

The motion prevailed by the following vote: Yeas 14, Nays 13.

Yeas: Adams, Andujar, Creighton, Farabee, Harris, Jones of Taylor, Lombardino, McKnight, Meier, Moore, Ogg, Sherman, Snelson, Traeger.

Nays: Aikin, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Patman, Schwartz, Williams.

Absent: Braecklein, Truan.

Absent-excused: Mengden, Santiesteban.

Accordingly, the Senate at 6:02 o'clock p.m. adjourned until 10:00 o'clock a.m. Monday, May 30, 1977.

SEVENTY-NINTH DAY
(Monday, May 30, 1977)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Frank Walker, First Southern Presbyterian Church, Austin, Texas, offered the invocation as follows:

Let us pray:

Eternal God, we join with others this Memorial weekend in remembering those who defended our country in time of danger. We remember those who were called by their nation to defend liberties and preserve unity, and who, in the course of their service, died. Lord we pray for peace. Help us to be peacemakers.

Mighty God, we are grateful for Your patience and grace in lending these senators, staff, the press and the pages through the long hours and days since January 11. One hundred forty days is a long, long time. Continue this last day to guide and inspire. Enable good minds to agree and...Dear Lord thank You. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 28, 1977, was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 56. Directing the State Treasurer to undertake a cash flow forecasting study. (With amendment)

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 60.

House conferees: Leland, Laney, McFarland, Ribak, Olson.

S.B. 1306. An act relating to the authority of certain hospital authorities to sell property to other political subdivisions.

S.J.R. 50. Proposing an amendment to the Texas Constitution to delete the archaic reference to the "Deaf and Dumb Asylum," to allow certain products manufactured by handicapped individuals in nonprofit rehabilitation facilities to be purchased by the State of Texas, and to eliminate the formality of involvement in such transactions by the Governor, Secretary of State and Comptroller.

S.B. 1208. Amending Section 1 and Section 2 of Chapter 224, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 1109j, Vernon's Texas Civil Statutes, as amended), relating to contracts between cities and towns and districts created under Article XVI, Section 59 of the Constitution or non-profit corporations; and declaring an emergency.

S.B. 1311. Relating to the creation, establishment, administration, maintenance, operation, and financing of Kleberg County Hospital District of Kleberg County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

All necessary rules suspended, and the House concurred in Senate amendments to H.B. No. 400 by a non record vote.

All necessary rules suspended, and the House concurred in Senate amendments to H.B. 1278 by a non record vote.

H.C.R. 192, congratulating Mary Kate Wall.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

REPORT OF STANDING COMMITTEE

Senator Adams submitted the following report for the Committee on Administration:

C.S.H.C.R. 186 (Read first time)

S.R. 784

H.C.R. 161

H.C.R. 184

H.C.R. 166

H.B. 2207

H.C.R. 62

H.B. 2266

H.C.R. 190

S.R. 793

S.R. 796

CONFERENCE COMMITTEE REPORT ON SENATE BILL 113 ADOPTED

Senator Mengden called from the President's table the Conference Committee Report on **S.B. 113**. (The Conference Committee Report having been filed with the Senate and read on Saturday, May 28, 1977.)

On motion of Senator Mengden, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 182 ADOPTED

Senator Ogg called from the President's table the Conference Committee Report on **S.B. 182**. (The Conference Committee Report having been filed with the Senate and read on Saturday, May 28, 1977.)

On motion of Senator Ogg, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2141
ADOPTED**

Senator Mauzy called from the President's table the Conference Committee Report on **H.B. 2141**. (The Conference Committee Report having been filed with the Senate and read on Friday, May 27, 1977.)

On motion of Senator Mauzy, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 914 ADOPTED

Senator Farabee called from the President's table the Conference Committee Report on **S.B. 914**. (The Conference Committee Report having been filed with the Senate and read on Saturday, May 28, 1977.)

On motion of Senator Farabee, the Conference Committee Report was adopted.

**CONFERENCE COMMITTEE REPORT ON SENATE BILL 1235
ADOPTED**

Senator Hance called from the President's table the Conference Committee Report on **S.B. 1235**. (The Conference Committee Report having been filed with the Senate and read on Saturday, May 28, 1977.)

On motion of Senator Hance, the Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT SENATE BILL 152

Senator Meier submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 152** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MEIER
ADAMS
MENGDEN
WILLIAMS
On the part of the Senate

NABERS
BROWN
CEVERHA
VON DOHLEN
On the part of the House

CONFERENCE COMMITTEE REPORT

S.B. No. 152

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for and conditions, revocations, and administration of probation, parole, mandatory supervision, work furloughs, conditional pardons, emergency reprieves or furloughs, and other types of prisoner supervision and release from incarceration; amending Article 42.12, Code of Criminal Procedure, 1965, as amended, by amending Sections 1, 2, 12, 13, Subsections (a), (e), and (i) of

Section 14A, Sections 15, 20, 21, 22, 24, 26, 27, 28, 30, and 31, and by adding Section 3f; adding Article 6181-1 to Title 108, Revised Civil Statutes of Texas, 1925, as amended; amending Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes); amending Sections 1 and 6, Chapter 493, Acts of the 61st Legislature, Regular Session, 1969 (Article 6166x-3, Vernon's Texas Civil Statutes); repealing Article 48.05, Code of Criminal Procedure, 1965; repealing Section 23, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Article 6166v, Vernon's Texas Civil Statutes); and repealing Chapter 361, Acts of the 48th Legislature, Regular Session, 1943, as amended (Article 6184l, Vernon's Texas Civil Statutes).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 42.12, Code of Criminal Procedure, 1965, as amended, is amended by amending Sections 1, 2, 12, 13, 15, 20, 21, 22, 24, 26, 27, 28, 30, and 31, and by adding Section 3f to read as follows:

"Section 1. It is the purpose of this Article to place wholly within the State courts of appropriate jurisdiction the responsibility for determining when the imposition of sentence in certain cases shall be suspended, the conditions of probation, and the supervision of probationers, in consonance with the powers assigned to the judicial branch of this government by the Constitution of Texas. It is also the intent of this Article to provide for the release of persons on parole and for the method thereof, to designate the Board of Pardons and Paroles as the responsible agency of State government to recommend determination of paroles and to further designate the Board of Pardons and Paroles as responsible for the investigation and supervision of persons released on parole. It is the intent of this Article to aid all prisoners to readjust to society upon completion of their period of incarceration by providing a program of mandatory supervision for those prisoners not released on parole or through executive clemency and to designate the Board of Pardons and Paroles as the agency of government responsible for the program. It is the final purpose of this Article to remove from existing statutes the limitations, other than questions of constitutionality, that have acted as barriers to effective systems of probations and paroles in the public interest.

"Section 2. This Article may be cited as the 'Adult Probation, ~~and~~ Parole, and Mandatory Supervision Law'.

"Unless the context otherwise requires, the following definitions shall apply to the specified words and phrases as used in this Article:

"a. 'Courts' shall mean the courts of record having original criminal jurisdiction;

"b. 'Probation' shall mean the release of a convicted defendant by a court under conditions imposed by the court for a specified period during which the imposition of sentence is suspended;

"c. 'Parole' shall mean the release of a prisoner from imprisonment but not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. Parole shall not be construed to mean a commutation of sentence or any other form of executive clemency;

"d. 'Mandatory supervision' shall mean the release of a prisoner from imprisonment but not on parole and not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. Mandatory supervision may not be construed as a commutation of sentence or any other form of executive clemency;

"e [d]. 'Probation officer' shall mean either a person duly appointed by one or more courts of record having original criminal jurisdiction, to supervise defendants placed on probation; or a person designated by such courts for such duties on a part-time basis;

"f [e]. 'Parole officer' shall mean a person duly appointed by the Director of the Division of Parole Supervision and assigned the duties of investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole or mandatory supervision are complied with;

"g [f]. 'Board' shall mean the Board of Pardons and Paroles;

"h [g]. 'Division' shall mean the Division of Parole Supervision of the Board of Pardons and Paroles; and

"i [h]. 'Director' shall mean the Director of the Division of Parole Supervision."

"Section 3f. (a) The provisions of Sections 3 and 3c of this Article do not apply:

"(1) to a defendant adjudged guilty of an offense defined by the following sections of the Penal Code:

"(A) Section 19.03 (Capital murder);

"(B) Section 20.04 (Aggravated kidnapping);

"(C) Section 21.03 (Aggravated rape);

"(D) Section 21.05 (Aggravated sexual abuse);

"(E) Section 29.03 (Aggravated robbery); or

"(2) to a defendant when it is shown that the defendant used or exhibited a deadly weapon as defined in Section 1.07(a)(11), Penal Code, during the commission of a felony offense or during immediate flight therefrom. Upon affirmative finding that the defendant used or exhibited a deadly weapon during the commission of an offense or during immediate flight therefrom, the trial court shall enter the finding in the judgment of the court. Upon an affirmative finding that the deadly weapon the defendant used or exhibited was a firearm, the court shall enter that finding in its judgment.

"(b) If there is an affirmative finding that the defendant convicted of a felony of the second degree or higher used or exhibited a firearm during the commission or flight from commission of the offense and the defendant is granted probation, the court may order the defendant confined in the Texas Department of Corrections for not less than 60 and not more than 120 days. At any time after the defendant has served 60 days in the custody of the Department of Corrections, the sentencing judge, on his own motion or on motion of the defendant, may order the defendant released to probation. The Department of Corrections shall release the defendant to probation after he has served 120 days."

"Section 12. The Board of Pardons and Paroles created by Article 4, Section 11 of the Constitution of this State, shall administer the provisions of this Act respecting determinations of which prisoners shall be paroled from an institution operated by the Department of Corrections, the conditions of parole and mandatory supervision [~~such paroles~~], and may recommend the revocation of releases to mandatory supervision, paroles, and conditional pardons by the Governor. Keeping the goals of this Act in mind, the Board shall have the authority to determine the degree and intensity of supervision a prisoner released on parole or released to mandatory supervision should receive.

"Section 13. The members of the Board shall give full time to the duties of their office and shall be paid such salaries as the Legislature may determine in Appropriation Acts. The members of the Board shall elect one of their number as chairman, who shall serve for a period of two years and until his successor is elected and qualified.

"The Board shall meet at the call of the chairman and from time to time as may otherwise be determined by majority vote of the Board. A majority of the Board shall constitute a quorum for the transaction of all business.

"The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote.

"The Board shall keep a record of its acts and shall notify each institution of its decision relating to the persons who are ~~[to have been]~~ confined therein. At the close of each fiscal year the Board shall submit to the Governor and to the Legislature a report with statistical and other data of its work.

"All minutes of the Board and decisions relating to mandatory supervision, parole, pardon, and clemency shall be matters of public record and subject to public inspection at all reasonable times."

"Section 15. (a) The Board is ~~[hereby]~~ authorized to release on parole, with the approval of the Governor, any person confined in any penal or correctional institution of this State who is eligible for parole under Subsection (b) of this Section. The period of parole shall be equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence [except persons under sentence of death, who has served one third of the maximum sentence imposed, provided that in any case he may be paroled after serving 20 calendar years. Time served on the sentence imposed shall be the total calendar time served and all credits allowed under the laws governing the operation of the Department of Corrections, and executive clemency]. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

"(b) A prisoner under sentence of death is not eligible for parole. If a prisoner is serving a sentence for the offenses listed in Section 3f(a)(1) of this Article or if the judgment contains an affirmative finding under Section 3f(a)(2) of this Article, he is not eligible for release on parole until his actual calendar time served, without consideration of good conduct time, equals one-third of the maximum sentence or 20 calendar years, whichever is less, but in no event shall he be eligible for release on parole in less than two calendar years. All other prisoners shall be eligible for release on parole when their calendar time served plus good conduct time equals one-third of the maximum sentence imposed or 20 years, whichever is less.

"(c) A prisoner who is not on parole, except a person under sentence of death, shall be released to mandatory supervision by order of the Board when the calendar time he has served plus any accrued good conduct time equal the maximum term to which he was sentenced. A prisoner released to mandatory supervision shall, upon release, be deemed as if released on parole. To the extent practicable, arrangements for the prisoner's proper employment, maintenance, and care shall be made prior to his release to mandatory supervision. The period of mandatory supervision shall be for a period equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. The time served on mandatory supervision is calculated as calendar time. Every prisoner while on mandatory supervision shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

"(d) A prisoner who has not been released to mandatory supervision and has 180 calendar days or less remaining on his sentence may be released by order of the Board to mandatory supervision.

"(e) ~~[(b)]~~ Within one year after a prisoner's admittance to the penal or correctional institution and at such intervals thereafter, as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and his physical and mental health ~~[the reports of such physical and mental examinations as have been made].~~

"(f) ~~[(e)]~~ Before ordering the parole of any prisoner, the Board may have the prisoner appear before it and interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance

and care, and, as may be, in part, evidenced by the prisoner's having made, in whole or in part, restitution or reparation to the victim of his crime, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court which sentenced the prisoner to his term of imprisonment, and when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

"(g) ~~(d)~~ The Board may adopt such other reasonable rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of prisoners for parole and mandatory supervision, the conduct of parole and mandatory supervision hearings, or conditions to be imposed upon parolees and persons released to mandatory supervision. Each person to be released on parole shall be furnished a written statement and contract setting forth in clear and intelligible language the conditions and rules of parole. The conditions may include the making of restitution or reparation to the victim of the prisoner's crime, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court which sentenced the prisoner to his term of imprisonment. Acceptance, signing, and execution of the contract by the inmate to be paroled shall be a precondition to release on parole. Persons released on mandatory supervision shall be furnished a written statement setting forth in clear and intelligible language the conditions and rules of mandatory supervision ~~[Whenever an order for parole is issued it shall recite the conditions thereof in clear and intelligible language]~~.

"(h) ~~(e)~~ It shall be the duty of the Board at least ten days before ordering the parole of any prisoner or upon the granting of executive clemency by the Governor to notify the sheriff, the district attorney and the district judge in the county where such person was convicted that such parole or clemency is being considered by the Board or by the Governor.

"(i) ~~(f)~~ If no parole officer has been assigned to the locality where a person is to be released on parole, mandatory supervision, or executive clemency the Board shall notify the chairman of the Voluntary Parole Board of such county prior to the release of such person. The Board shall request such Voluntary Parole Board, in the absence of a parole officer ~~[office]~~, for information which would herein be required of such duly appointed parole officer. This shall not, however, preclude the Board from requesting information from any public agency in such locality."

"Section 20. The Board shall have the power and duty to make rules for the conduct of persons placed on parole and of persons released to mandatory supervision ~~[by the Board]~~.

"Section 21. (a) A warrant for the return of a paroled prisoner, a prisoner released to mandatory supervision, a prisoner released on emergency reprieve or on furlough, or a person released on a conditional pardon to the institution from which he was paroled, released, or pardoned may be issued by the Board on order by the Governor when there is reason to believe that he has committed an offense against the laws of this State or of the United States, violated a condition of his parole, mandatory supervision, or conditional pardon, or when the circumstances indicate that he poses a danger to society that warrants his immediate return to incarceration. ~~[Upon order by the Governor, the Board is authorized to issue a warrant for the return of any paroled prisoner to the institution from which he was paroled.]~~ Such warrant shall authorize all officers named therein to take actual custody of the ~~[return such paroled]~~ prisoner and return him to the institution from which he was released ~~[to actual custody in the penal institution from which he was paroled]~~. Pending hearing, as hereinafter provided, upon any charge of parole violation or violation of the conditions of mandatory supervision, the prisoner shall remain incarcerated ~~[in such institution]~~.

"(b) A prisoner [parolee] for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the conditions or provisions of his mandatory supervision or parole, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, and Article 42.11 of this Code concerning the waiver of all legal requirements to obtain extradition of fugitives from justice, from other states to this State, shall not be impaired by this Act and shall remain in full force and effect.

"Section 22. Whenever a [paroled] prisoner or a person granted a conditional pardon is accused of a violation of his parole, mandatory supervision, or conditional pardon on information and complaint by a law enforcement officer or parole officer, he shall be entitled to be heard on such charges before the Board or its designee under such rules and regulations as the Board may adopt; providing, however, said hearing shall be a public hearing and shall be held within ninety ~~[sixty]~~ days of the date of arrest under a warrant issued by the Board of Pardons and Paroles or the Governor and at a time and place set by the Board. When the Board has heard the facts, it may recommend to the Governor that the parole, mandatory supervision, or conditional pardon be continued, or revoked, or modified in any manner the evidence may warrant. When the Governor revokes a person's [prisoner's] parole, mandatory supervision, or conditional pardon, that person ~~[he]~~ may be required to serve the portion remaining of the sentence on which he was released ~~[on parole]~~, such portion remaining to be calculated without credit for the time from the date of his release ~~[on parole]~~ to the date of ~~[his]~~ revocation ~~[of parole by the Governor on the charge of parole violation]~~. When a warrant is issued by the Board of Pardons and Paroles or the Governor charging a [parole] violation of release conditions, the sentence time credit shall be suspended until a determination is made by the Board of Pardons and Paroles or the Governor in such case and such suspended time credit may be re-instated by the Board of Pardons and Paroles should such parole, mandatory supervision, or conditional pardon be continued."

"Section 24. ~~[Whenever any prisoner serving an indeterminate sentence, as provided by law, shall have served for twelve months on parole in a manner acceptable to the Board, it shall review the prisoner's record and make a determination whether to recommend to the Governor that the prisoner be pardoned and finally discharged from the sentence under which he is serving.]~~

"When any prisoner who has been paroled or released to mandatory supervision has complied with the rules and conditions governing his release [parole] until the end of the term to which he was sentenced, and without a revocation of his parole or mandatory supervision, the Board shall make a final order of discharge and issue the prisoner a certificate of discharge ~~[report such fact to the Governor prior to the issuance of the final order of discharge, together with its recommendation as to whether the prisoner should be restored to citizenship].~~"

"Section 26. The Board of Pardons and Paroles shall have general responsibility for the investigation and supervision of all prisoners released on parole and to mandatory supervision. For the discharge of this responsibility, there is hereby created with the Board of Pardons and Paroles, a Division of Parole Supervision. Subject to the general direction of the Board of Pardons and Paroles, the Division of Parole Supervision, including its field staff shall be responsible for obtaining and assembling any facts the Board of Pardons and Paroles may desire in considering parole eligibility, in establishing a mandatory supervision plan, and for investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole and mandatory supervision are complied with, and for making such periodic reports on the progress of parolees and prisoners released to mandatory supervision as the Board may desire.

"Section 27. All information obtained in connection with inmates of the Texas Department of Corrections subject to parole, release to mandatory supervision, or executive clemency or individuals who may be on mandatory supervision or parole and under the supervision of the division, or persons directly identified in any proposed plan of release for a prisoner ~~[parolee]~~, shall be confidential and privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the Governor and the Board of Pardons and Paroles upon request. It is further provided, that statistical and general information respecting the parole and mandatory supervision program and system, including the names of paroled prisoners, prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services, shall be subject to public inspection at any reasonable time.

"Section 28. Salaries of all employees of the Division of Parole Supervision shall be governed by Appropriation Acts of the Legislature. The Board of Pardons and Paroles shall appoint a Director of the Division, and all other employees shall be selected by the Director, subject to such general policies and regulations as the Board may approve.

"It is expressly provided, however, that no person may be employed as a parole officer or supervisor, or be responsible for the investigations ~~[surveillance]~~ or supervision of persons on parole or mandatory supervision, unless he meets the following qualifications together with any other qualifications that may be specified by the Director of the Division, with the approval of the Board of Pardons and Paroles: ~~[24 to 55 years of age, with]~~ four years of successfully completed education in an accredited college or university, and two years of full time paid employment in responsible correctional work with adults or juveniles, social welfare work, teaching, or personnel work. Additional experience in the above categories may be substituted year for year for the required college education, with a maximum substitution for two years."

"Section 30. In order to provide supervision of parolees, persons released to mandatory supervision, and ~~or of~~ persons granted executive clemency who reside in sparsely settled areas of the State and in localities not served by regularly employed parole officers, the Governor of this State is authorized to appoint chairmen of Voluntary Parole Boards for such areas or localities. The appointed chairman may, with the advice and approval of the Director of the Division of Parole Supervision, appoint additional members of such Voluntary Parole Boards. The term of service by such appointed chairmen of Voluntary Parole Boards shall not exceed the term of office of the appointing Governor; and the terms of service of locally appointed additional members of such Voluntary Parole Boards shall not exceed the terms of office of the director. However, it is expressly provided that the terms of service by such chairmen and additional members of Voluntary Parole Boards may be continued by appropriate reappointments. The chairman of the Voluntary Parole Board shall be responsible for assigning supervision of parolees and of persons released to mandatory supervision to the members of such board.

"Section 31. No person who is serving as a sheriff, deputy sheriff, constable, deputy constable, city policeman, Texas Ranger, state highway patrolman, or similar law enforcement officer, or as a prosecuting attorney, shall act as a parole officer or be responsible for the supervision of persons on parole or released to mandatory supervision."

Sec. 2. Subsections (a), (e), and (i) of Section 14A, Article 42.12, Code of Criminal Procedure, 1965, are amended to read as follows:

"(a) To aid and assist the Board of Pardons and Paroles in parole and mandatory supervision decisions ~~[matters]~~, provision is hereby made for the appointment of parole commissioners."

"(e) In matters of parole decisions and mandatory supervision revocation decisions, the commissioners shall have the same duties and authority as the board members. A parole panel, as hereinafter provided, may recommend the granting, denying, or revocation of parole, the revocation of mandatory supervision status, and may conduct parole revocation hearings and mandatory supervision revocation hearings. The commissioners may interview inmates for parole consideration, and they shall perform their duties as directed by the board in its rules and regulations affecting these commissioners."

"(i) In matters of parole and release to mandatory supervision ~~[decisions]~~, the board members and commissioners may act in panels comprised of three persons in each panel. The composition of the respective panels shall be designated by the board. A majority of each panel shall constitute a quorum for the transaction of its business, and its decisions shall be by a majority vote. ~~The [In parole matters, these]~~ functions given to the board throughout Article 42.12, Code of Criminal Procedure, 1965, as amended, may be enlarged and extend to the parole panels, as provided by board rules. The powers of the board and the board members can be delegated by the board to the parole panels and to the commissioners as needed for the convenience of and assistance to the board."

Sec. 3. Title 108, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 6181-1 to read as follows:

"Article 6181-1. INMATE CLASSIFICATION AND GOOD CONDUCT TIME

"Section 1. For the purpose of this Article:

"(1) 'Department' means the Texas Department of Corrections.

"(2) 'Director' means the Director of the Texas Department of Corrections.

"(3) 'Inmate' means a person confined by order of a court in the Texas Department of Corrections, whether he is actually confined in the institution or is under the supervision or custody of the Board of Pardons and Paroles.

"(4) 'Term' means the maximum term of confinement in the Texas Department of Corrections stated in the sentence of the convicting court. When two or more sentences are to be served consecutively and not concurrently, the aggregate of the several terms shall be considered the term for purposes of this Article. When two or more sentences are to run concurrently, the term with the longest maximum confinement will be considered the term for the purposes of this Article.

"Section 2. The department shall classify all inmates as soon as practicable upon their arrival at the department and shall reclassify inmates as circumstances may warrant. All inmates shall be classified according to their conduct, obedience, industry, and prior criminal history. The director shall maintain a record on each inmate showing all classifications and reclassifications with dates and reasons therefor.

"Section 3. (a) Inmates shall accrue good conduct time based upon their classification as follows:

"(1) 20 days for each 30 days actually served while the inmate is classified as a Class I inmate;

"(2) 10 days for each 30 days actually served while the inmate is classified as a Class II inmate; and

"(3) 10 additional days for each 30 days actually served if the inmate is a trusty.

"(b) No good conduct time shall accrue during any period the inmate is classified as a Class III inmate or is on parole or under mandatory supervision.

"Section 4. Good conduct time applies only to eligibility for parole or mandatory supervision as provided in Section 15, Article 42.12, Code of Criminal Procedure, 1965, as amended, and shall not otherwise affect the inmate's term. Good conduct time is a privilege and not a right. Consequently, if during the actual

term of imprisonment in the department, an inmate commits an offense or violates a rule of the department, all or any part of his accrued good conduct time may be forfeited by the director. The director may, however, in his discretion, restore good conduct time forfeited under such circumstances subject to rules and policies to be promulgated by the department. Upon revocation of parole or mandatory supervision, the inmate loses all good conduct time previously accrued, but upon return to the department may accrue new good conduct time for subsequent time served in the department.

"Section 5. If the release of an inmate falls upon a Saturday, Sunday, or legal holiday, the inmate may, at the discretion of the director, be released on the preceding workday."

Sec. 4. Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 28. When a convict is entitled to a discharge from the State penitentiary, or is released therefrom on parole, mandatory supervision, or conditional pardon, the Director of the Department of Corrections or his Executive Assistant shall prepare and deliver to him a written discharge or release, as the case may be, dated and signed by him with seal annexed, giving convict's name, the name of the offense or offenses for which he was convicted, the term of sentence imposed and the date thereof, the county in which he was sentenced, the amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such description of the convict as may be practicable. He shall be furnished, if needed, suitable civilian clothes, and all money held to his credit by any official of the Texas Department of Corrections shall be delivered to him.

"The amount of money which a convict is entitled to receive from the State of Texas when he is discharged from the State penitentiary or released from the State penitentiary on parole, mandatory supervision, or conditional pardon shall be \$200."

Sec. 5. Sections 1 and 6, Chapter 493, Acts of the 61st Legislature, Regular Session, 1969 (Article 6166x-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The Texas Department of Corrections is hereby authorized to grant work furlough privileges, under the 'Work Furlough Plan,' as hereinafter provided, which may include programs and procedures for inmates to contribute restitution or reparation to victims of the prisoner's crime, as established by the judgment of the court that sentenced the prisoner to his term of imprisonment, to any inmate of the state prison system serving a term of imprisonment, under such rules, regulations, and conditions as the department of corrections may prescribe."

"Section 6. Every prisoner gainfully employed under work furlough privileges is liable for the cost of his keep in the prison or quarters as may be fixed by the department of corrections. Such payments shall be deposited periodically, but at least annually, in the general revenue fund of the state. After deduction of such amounts the director of the department of corrections shall disburse the wages or salaries of employed prisoners for the following purposes and in the order stated:

"(1) necessary travel expense to and from work and other incidental expenses of the prisoner;

"(2) support of the prisoner's dependents, if any;

"(3) restitution or reparation to the victim of the prisoner's crime for which he is serving a term of imprisonment, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court that sentenced the prisoner to his term of imprisonment;

"(4) ~~(3)~~ the balance, if any, to the prisoner upon his discharge."

Sec. 6. Article 48.05, Code of Criminal Procedure, 1965, Section 23, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Article 6166v, Vernon's

Texas Civil Statutes), and Chapter 361, Acts of the 48th Legislature, Regular Session, 1943, as amended (Article 6184I, Vernon's Texas Civil Statutes), are repealed.

Sec. 7. This Act applies only to inmates sentenced to the Texas Department of Corrections for an offense committed on or after the effective date of this Act. Inmates sentenced for an offense committed prior to the effective date of this Act are governed by the law existing before the effective date, which is continued in effect for this purpose. For the purpose of this Act, an offense is committed on or after the effective date if any element of the offense occurs on or after the effective date.

Sec. 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was again filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT SENATE BILL 157

Senator Meier submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 157** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MEIER
ADAMS
JONES OF HARRIS
TRAEGER
LOMBARDINO
On the part of the Senate

CLOSE
McFARLAND
PEVETO
MALONEY
HENDRICKS
On the part of the House

CONFERENCE COMMITTEE REPORT

S.B. No. 157

A BILL TO BE ENTITLED

AN ACT

relating to the admission in evidence and use of statements of an accused in a criminal proceeding; amending Articles 38.21 and 38.22, Code of Criminal Procedure, 1965, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 38.21, Code of Criminal Procedure, 1965, is amended to read as follows:

"Article 38.21. STATEMENT [CONFESSION]

"A statement of an accused ~~[The confession of a defendant]~~ may be used in evidence against him if it appears ~~[appear]~~ that the same was freely and voluntarily made without compulsion or persuasion, under the rules hereafter prescribed."

Sec. 2. Article 38.22, Code of Criminal Procedure, 1965, as amended, is amended to read as follows:

"Article 38.22. WHEN STATEMENTS MAY [ORAL AND WRITTEN CONFESSIONS SHALL] BE USED

"Section 1. In this article, a written statement of an accused means a statement signed by the accused or a statement made by the accused in his own handwriting or, if the accused is unable to write, a statement bearing his mark, when the mark has been witnessed by a person other than a peace officer.

"Section 2. No written statement made by an accused as a result of custodial interrogation is admissible as evidence against him in any criminal proceeding unless it is shown on the face of the statement that:

"(a) the accused, prior to making the statement, either received from a magistrate the warning provided in Article 15.17 of this code or received from the person to whom the statement is made a warning that:

"(1) he has the right to remain silent and not make any statement at all and that any statement he makes may be used against him at his trial;

"(2) any statement he makes may be used as evidence against him in court;

"(3) he has the right to have a lawyer present to advise him prior to and during any questioning;

"(4) if he is unable to employ a lawyer, he has the right to have a lawyer appointed to advise him prior to and during any questioning; and

"(5) he has the right to terminate the interview at any time; and

"(b) the accused, prior to and during the making of the statement, knowingly, intelligently, and voluntarily waived the rights set out in the warning prescribed by Subsection (a) of this section.

"Section 3. (a) An oral statement of an accused made as a result of custodial interrogation is admissible against the accused in a criminal proceeding for the purpose of impeachment only and when:

"(1) an electronic recording, which may include motion picture, video tape, or other visual recording, is made of the statement;

"(2) prior to the statement but during the recording the accused is told that a recording is being made;

"(3) prior to the statement but during the recording the accused is given the warning in Subsection (a) of Section 2 above and the accused knowingly, intelligently, and voluntarily waives any rights set out in the warning;

"(4) the recording device was capable of making an accurate recording, that the operator was competent, and that the recording is accurate and has not been altered;

"(5) the statement is witnessed by at least two persons; and

"(6) all voices on the recording are identified.

"(b) Every electronic recording of any statement made by an accused during custodial interrogation must be preserved until its destruction is permitted by order of a district court of this state.

"(c) Subsection (a) of this section shall not apply to any statement which contains assertions of facts or circumstances that are found to be true and which conduce to establish the guilt of the accused, such as the finding of secreted or stolen property or the instrument with which he states the offense was committed.

"Section 4. When any statement, the admissibility of which is covered by this article, is sought to be used in connection with an official proceeding, any person who swears falsely to facts and circumstances which, if true, would render the statement admissible under this article is presumed to have acted with intent to deceive and with knowledge of the statement's meaning for the purpose of prosecution for aggravated perjury under Section 37.03 of the Penal Code. No person prosecuted under this subsection shall be eligible for probation.

"Section 5. Nothing in this article precludes the admission of a statement made by the accused in open court at his trial, before a grand jury, or at an examining trial in compliance with Articles 16.03 and 16.04 of this code, or of a statement that is the res gestae of the arrest or of the offense, or of a statement that does not stem from custodial interrogation, or of a voluntary statement, whether or not the result of custodial interrogation, that has a bearing upon the credibility of the accused as a witness, or of any other statement that may be admissible under law.

~~"[1. The oral or written confession of a defendant made while the defendant was in jail or other place of confinement or in the custody of an officer shall be admissible if:~~

~~"(a) it be shown to be the voluntary statement of the accused taken in the presence of an examining court in accordance with law; or~~

~~"(b) it be made in writing and signed by the accused, and show that the accused has at some time prior to the making thereof received from the person to whom the statement is made the warning set out in Subsection (c)(1), (2) and (3) below or received from the magistrate the warning provided in Article 15.17, and shows the time, date, and place of the warning and the name of the person or magistrate who administered the warning; or~~

~~"(c) it be made in writing to some person who has warned the defendant from whom the statement is taken that~~

~~"(1) he has the right to have a lawyer present to advise him either prior to any questioning or during any questioning,~~

~~"(2) if he is unable to employ a lawyer, he has the right to have a lawyer appointed to counsel with him prior to or during any questioning, and~~

~~"(3) he has the right to remain silent and not make any statement at all and that any statement he makes may be used in evidence against him at his trial.~~

~~"The defendant must knowingly, intelligently, and voluntarily waive these rights prior to and during the making of the statement.~~

~~"(d) if a written statement is taken and if the defendant is unable to write his name and signs the statement by making his mark, such statement shall not be admitted in evidence, unless it be witnessed by some person other than a peace officer, who shall sign the same as witness.~~

~~"(e) It be made orally and the defendant makes a statement of facts or circumstances that are found to be true, which conduce to establish his guilt, such as~~

the finding of secreted or stolen property, or the instrument with which he states the offense was committed.

~~"(f) Nothing contained herein shall preclude the admissibility of any statement made by the defendant in open court at his trial or at his examining trial in compliance with Articles 16.03 and 16.04 or of any statement that is the res gestae of the arrest or of the offense."~~

"Section 6. ~~[2.]~~ In all cases where a question is raised as to the voluntariness of a ~~[confession or]~~ statement of an accused, the court must make an independent finding in the absence of the jury as to whether the ~~[confession or]~~ statement was made under voluntary conditions. If the ~~[confession or]~~ statement has been found to have been voluntarily made and held admissible as a matter of law and fact by the court in a hearing in the absence of the jury, the court must enter an order stating its conclusion as to whether or not the statement was voluntarily made, along with the specific finding of facts upon which the conclusion was based ~~[findings]~~, which order shall be filed among the papers of the cause. Such order shall not be exhibited to the jury nor the finding thereof made known to the jury in any manner. Upon the finding by the judge as a matter of law and fact that the ~~[confession or]~~ statement was voluntarily made, evidence pertaining to such matter may be submitted to the jury and it shall be instructed that unless the jury believes beyond a reasonable doubt that the ~~[confession or]~~ statement was voluntarily made, the jury shall not consider such statement ~~[or confession]~~ for any purpose nor any evidence obtained as a result thereof. In any case where a motion to suppress the statement ~~[or confession]~~ has been filed and evidence has been submitted to the court on this issue, the court within its discretion may reconsider such evidence in his finding that the statement ~~[or confession]~~ was voluntarily made and the same evidence submitted to the court at the hearing on the motion to suppress shall be made a part of the record the same as if it were being presented at the time of trial. However, the state or the defendant shall be entitled to present any new evidence on the issue of the voluntariness of the statement ~~[or confession]~~ prior to the court's final ruling and order stating its findings.

"Section 7. ~~[3.]~~ When the issue is raised by the evidence, the trial judge shall appropriately instruct the jury, generally, on the law pertaining to such statement ~~[or confession]~~."

Sec. 3. This Act applies only to statements made on or after its effective date.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE CONCURRENT RESOLUTION 52

Senator Schwartz called from the President's table the Conference Committee Report on H.C.R. 52. (The Conference Committee Report having been filed with the Senate and read on Saturday, May 28, 1977.)

Senator Schwartz moved that the Conference Committee Report be adopted.

On motion of Senator Schwartz and by unanimous consent, the motion to adopt the Conference Committee Report was withdrawn.

SENATE BILL 730 WITH HOUSE AMENDMENTS

Senator Santiesteban called **S.B. 730** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Substitute the following for S.B. No. 730:

A BILL TO BE ENTITLED**AN ACT**

relating to the revision of various sections of the Alcoholic Beverage Code with regard to the regulation of the alcoholic beverage industry and to updating the code to reflect amendments enacted by the 65th Legislature; amending the Alcoholic Beverage Code as follows: amending Section 11.64, regarding alternatives to the suspension of a license or permit; Section 23.01(a), regarding selling or providing equipment, fixtures, and supplies to certain permittees; Section 23.04, regarding transferring beverages by local distributor's permittees; Section 28.01(b), regarding the delivery of mixed beverages in a hotel; Section 28.07(b), regarding purchases by a mixed beverage permittee; Section 32.08(b), regarding purchases by a private club registration permittee; Section 102.04(b), regarding selling or providing equipment, fixtures, and supplies to certain permittees; Section 105.02, regarding times of sale and delivery by local distributor's permittees; and Section 204.03(b), regarding security for payment of the mixed beverage tax; and adding Section 37.11(e), regarding label approval of liquor containers; Section 61.761, regarding alternatives to suspension or cancellation of a license or permit; Sections 204.01(d), 204.01(e), 204.02(d), and 204.02(e), regarding security for payment of the mixed beverage tax; and Section 251.741, regarding the local option status of certain airports; providing an effective date for this Act and Senate Bill Number 731, Acts of the 65th Legislature, Regular Session, 1977; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 11.64, Alcoholic Beverage Code, is amended to read as follows:

"Section 11.64. ALTERNATIVES TO SUSPENSION, CANCELLATION ~~[MITIGATING CIRCUMSTANCES]~~. (a) When the commission or administrator is authorized to suspend a permit or license under this code, the commission or administrator shall give the permittee or licensee the opportunity to pay a civil penalty rather than have the permit or license suspended. The commission or administrator shall determine the amount of the penalty and in doing so shall consider the economic impact a suspension would have on the permittee or licensee. The amount of the civil penalty may not be less than \$150 for each day the permit or license was to have been suspended. If the licensee or permittee does not pay the penalty before the sixth day after the commission or administrator notifies him of the amount, he loses the opportunity to pay it and the commission or administrator shall impose the suspension.

"(b) In the case of a violation of this code by a permittee or a retail dealer's off-premise licensee, the commission or administrator may relax any provision of the code relating to the suspension or cancellation of the permit or license and assess a sanction the commission or administrator finds just under the circumstances, and the commission or administrator may reinstate the license or permit at any time

during the period of suspension on payment by the permittee or licensee of a fee of not less than ~~\$75~~ ~~[\$50]~~ nor more than \$500, if the commission or administrator finds that any of the circumstances described in Subsection (c) ~~[(b)]~~ of this section exists.

~~“(c) [(b)]~~ The following circumstances justify the application of Subsection (b) ~~[(a)]~~ of this section:

“(1) that the violation could not reasonably have been prevented by the permittee or licensee by the exercise of due diligence;

“(2) that the permittee or licensee was entrapped;

“(3) that an agent, servant, or employee of the permittee or licensee violated this code without the knowledge of the permittee or licensee;

“(4) that the permittee or licensee did not knowingly violate this code; or

“(5) that the violation was a technical one.

~~“(d) [(e)]~~ Fees and civil penalties received by the commission under this section shall be deposited in the confiscated liquor fund.”

Sec. 2. Section 23.01(a), Alcoholic Beverage Code, is amended to read as follows:

“(a) The holder of a local distributor's permit may:

“(1) purchase alcoholic beverages from wholesalers authorized to sell them for resale, but may purchase only those brands available for general distribution to all local distributor's permittees; ~~and~~

“(2) sell and distribute the alcoholic beverages ~~[and any supplies used in selling or dispensing alcoholic beverages]~~ to mixed beverage and private club registration permittees; and

“(3) rent or sell to mixed beverage and private club registration permittees any equipment, fixtures, or supplies used in the selling or dispensing of distilled spirits.”

Sec. 3. Section 23.04, Alcoholic Beverage Code, is amended to read as follows:

“Section 23.04. MAY TRANSFER BEVERAGES. If the holder of a local distributor's permit also holds a local cartage permit, he may transfer alcoholic beverages:

“(1) to any place where the sale of alcoholic beverages is legal in the city or county where his premises are located; and

“(2) to a regional airport located all or partly in an adjoining county if the airport is governed by a board, commission, or authority, some of whose members reside in the county where the local distributor's premises are located.”

Sec. 4. Section 28.01(b), Alcoholic Beverage Code, is amended to read as follows:

“(b) The holder of a mixed beverage permit for an establishment in a hotel may deliver mixed beverages, including wine and beer, to individual rooms of the hotel without regard to whether the hotel rooms are part of the licensed premises.”

Sec. 5. Section 28.07(b), Alcoholic Beverage Code, is amended to read as follows:

“(b) If a holder of a mixed beverage permit is in an area where there are no local distributors, he may purchase alcoholic beverages in any ~~[(the nearest)]~~ area where local distributors are located and may transport them to his premises provided that he is also a holder of a beverage cartage permit. The transporter may acquire the alcoholic beverages only on the written order of the holder of the mixed beverage permit. The alcoholic beverages must be accompanied by a written statement furnished and signed by the local distributor showing the name and address of the consignee and consignor, the origin and destination of the shipment, and any other information required by the commission or administrator. The person in charge of the alcoholic beverages while they are being transported shall exhibit the written statement to any representative of the commission or any peace officer on

demand, and the statement shall be accepted by the representative or officer as prima facie evidence of the lawful right to transport the alcoholic beverages."

Sec. 6. Section 32.08(b), Alcoholic Beverage Code, is amended to read as follows:

"(b) If the club holding the permit is in an area where there are no local distributors, alcoholic beverages may be purchased in any ~~(the nearest)~~ area where local distributors are located and may be transported to the club premises if the club also holds a beverage cartage permit. The transporter may acquire the alcoholic beverages only on the written order of an officer or manager of the club holding the permit. The alcoholic beverages must be accompanied by a written statement furnished and signed by the local distributor showing the name and address of the consignee and consignor, the origin and destination of the shipment, and any other information required by the commission or administrator. The person in charge of the alcoholic beverages while they are being transported shall exhibit the written statement to any representative of the commission or any peace officer on demand, and the statement shall be accepted by the representative or officer as prima facie evidence of the lawful right to transport the alcoholic beverages."

Sec. 7. Section 37.11, Alcoholic Beverage Code, is amended by adding Subsection (e) to read as follows:

"(e) Until January 1, 1980, the submission of samples and applications for label and container approval shall not be required for any distilled spirit imported direct from the distiller, bottler, or the exclusive agent of the distiller or bottler, or for any distilled spirit distilled or bottled by the holder of a nonresident seller's permit or by a distiller or bottler for whom he is the exclusive agent if a certificate of approval has previously been granted and the only change in container size is to the metric system container most nearly equivalent to a previously approved United States standard gallon system container, and the only change in label is the substitution of the metric measure for the formerly used statement of quantity content. This subsection expires January 1, 1980."

Sec. 8. Chapter 61, Alcoholic Beverage Code, is amended by adding Section 61.761 to read as follows:

"Section 61.761. ALTERNATIVES TO SUSPENSION, CANCELLATION. Section 11.64 of this code relates to alternatives to the suspension or cancellation of a license."

Sec. 9. Section 102.04(b), Alcoholic Beverage Code, is amended to read as follows:

"(b) Except as permitted in Section 23.01 of this code, no ~~[No]~~ person to whom this section applies may:

"(1) have a direct or indirect interest in the business, premises, equipment, or fixtures of a mixed beverage establishment;

"(2) furnish or lend any money, service, or other thing of value to a mixed beverage permittee or guarantee the fulfillment of a financial obligation of a mixed beverage permittee;

"(3) enter or offer to enter into an agreement, condition, or system which in effect amounts to the shipment and delivery of alcoholic beverages on consignment;

"(4) furnish, rent, lend, or sell to a mixed beverage permittee any equipment, fixtures, or supplies used in the selling or dispensing of alcoholic beverages;

"(5) pay or make an allowance to a mixed beverage permittee for a special advertising or distributing service, or allow the permittee an excessive discount;

"(6) offer to a mixed beverage permittee a prize, premium, or other inducement, except as permitted by Section 102.07(b) of this code; or

"(7) advertise in the convention program or sponsor a function at a meeting or convention or a trade association of holders of mixed beverage permits, unless the trade association was incorporated before 1950."

Sec. 10. Section 105.02, Alcoholic Beverage Code, is amended to read as follows:

"Section 105.02. HOURS OF SALE: WHOLESALERS AND LOCAL DISTRIBUTORS TO RETAILERS. A wholesaler or a local distributor's permittee may sell, offer for sale, or deliver liquor to a retailer between 7 a.m. and 9 p.m. on any day except Sunday and Christmas Day."

Sec. 11. Section 204.01, Alcoholic Beverage Code, is amended by adding Subsections (d) and (e) to read as follows:

"(d) A permittee required to furnish a bond to secure the payment of the gross receipts tax on mixed beverages may furnish, in lieu of all or part of the amount of the bond required:

"(1) one or more certificates of deposit or savings assigned to the state, issued by one or more banks or savings institutions authorized to do business in this state; or

"(2) one or more letters of credit issued by one or more banks or savings institutions authorized to do business in this state.

"(c) If certificates of deposit or savings or letters of credit are furnished under Subsection (d) of this section, the administrator shall keep them in his possession. Interest earned on a certificate of deposit or savings is not subject to the assignment and remains the property of the owner of the certificate."

Sec. 12. Section 204.02, Alcoholic Beverage Code, is amended by adding Subsections (d) and (e) to read as follows:

"(d) A certificate of deposit or savings furnished by a permittee to secure the payment of the gross receipts tax on mixed beverages must be assigned to the state in a manner approved by the administrator to secure the payment of the tax.

"(e) A letter of credit furnished by a permittee to secure the payment of the gross receipts tax on mixed beverages must be in a form and contain any conditions required by the administrator to secure the payment of the tax."

Sec. 13. Section 204.03(b), Alcoholic Beverage Code, is amended to read as follows:

"(b) A permittee who furnishes certificates of deposit or savings or letters of credit in lieu of all or part of the amount of bonds required by the commission or administrator to secure the payment of the gross receipts tax on mixed beverages may furnish any combination of these methods of securing the tax which satisfies that amount. The total of the bonds, certificates, and letters of credit of a permittee [~~Bonds of permittees~~] subject to the gross receipts tax on mixed beverages must be in an amount that, in the opinion of the commission or administrator, will protect the state, but in no case may the commission or administrator set the amount at [~~such a bond be set at an amount~~] less than \$1,000 or more than \$25,000."

Sec. 14. Chapter 251, Alcoholic Beverage Code, is amended by adding Section 251.741 to read as follows:

"Section 251.741. CERTAIN AIRPORTS AS WET AREAS. In addition to those areas declared wet by order of the commissioners court under the authority of Section 251.74 of this code, in a county with a population of more than 175,000 according to the most recent federal census where the sale of mixed beverages only is legalized in the most populous city in the county by a local option election held after May 18, 1971, the area actually encompassed by any municipal airport under the jurisdiction of that city is wet for the sale of mixed beverages only. Subsequent local option elections held by that city do not affect the local option status of the airport unless the result of the election prohibits the sale of mixed beverages, in which case the provisions of this section do not apply."

Sec. 15. (a) Except as provided in Subsection (b) of this section, this Act takes effect on September 1, 1977.

(b) Senate Bill No. 731, Acts of the 65th Legislature, Regular Session, 1977, takes effect immediately.

Sec. 16. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its provisions, and it is so enacted.

Floor Amendment No. 1

Amend **C.S.S.B. 730** page 2 line 12 by striking "\$50" and substituting "\$150" and line 25 by striking "\$50" and substituting "\$75"

The amendments were read.

Senator Santiesteban moved to concur in the House amendments.

The motion prevailed.

RECORD OF VOTES

Senators Adams, Aikin, Mauzy, McKnight, Sherman and Snelson asked to be recorded as voting "Nay" on the motion to concur in the House amendments.

SENATE BILL 311 WITH HOUSE AMENDMENTS

Senator Braecklein called **S.B. 311** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend Senate Bill 311 by striking the word "county" on line 18 and substituting the word "state" in its place.

Floor Amendment No. 1

Amend S.B. No. 311 by striking Section 2 and substituting the following:

Sec. 2. Chapter 25, Penal Code, is amended by adding Section 25.06 to read as follows:

"Sec. 25.06. SOLICITATION OF A CHILD. (a) A person commits an offense if he entices, persuades, or invites a child younger than 14 years to enter a vehicle, building, structure, or enclosed area with intent to engage in or propose engaging in sexual intercourse, deviate sexual intercourse, or sexual contact with the child or with intent to expose his anus or any part of his genitals to the child.

"(b) The definitions of 'sexual intercourse,' 'deviate sexual intercourse,' and 'sexual contact' in Chapter 21 of this code apply to this section.

"(c) An offense under this section is a Class A misdemeanor unless the actor takes the child out of the county of residence of the parent, guardian, or person standing in the stead of the parent or guardian of the child, in which event the offense is a felony of the third degree."

Floor Amendment No. 2

Amend S.B. No. 311 by striking Section 1 and renumbering Sections 2 and 3 as Sections 1 and 2.

The amendments were read.

Senator Braecklein moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1250 WITH HOUSE AMENDMENT

Senator Sherman called **S.B. 1250** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend S.B. No. 1250 as follows:

(1) On page 1, lines 15 and 16, strike "mining where groundwaters could be significantly degraded by the mining activity;" and substitute "gasification of coal and lignite;"

The amendment was read.

Senator Sherman moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 222 WITH HOUSE AMENDMENT

Senator Sherman called **S.B. 222** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 222** by substituting the number "\$10.50" for the number "\$10.25" on page 1, line 16

and, by substituting the number "50" for the number "25" at the end of line 17, page 1

and, by substituting the number "\$4.50" for the number "\$4.25" between the words "is" and "of" on page 2, line 1

and, by substituting the number "50" for the number "25" between the words "fee" and "cents" on page 2, line 1.

The amendment was read.

Senator Sherman moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 773 WITH HOUSE AMENDMENTS

Senator Doggett called S.B. 773 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 773:

A BILL TO BE ENTITLED

AN ACT

relating to the construction of buildings open to the public to make them accessible to certain handicapped persons; adding Subsection (d) to Section 2 and amending Subsec. (b) of Sec. 20 of Chapter 324, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 678g, Vernon's Texas Civil Statutes);

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 2, Chapter 324, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 678g, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

"(d) These standards and specifications shall be adhered to in certain privately financed buildings, building elements, and improved areas which are open to public use for education, employment, transportation or acquisition of goods and services, and which are constructed on or after January 1, 1978. Such facilities include the following:

(1) shopping centers which contain in excess of five separate mercantile establishments; Sec. 12 does not apply unless the shopping center elects to have public toilet rooms;

(2) transportation terminals;

(3) theaters and auditoriums having a seating capacity of 200 or more patrons;

(4) hospitals and related medical facilities which provide direct medical service to patients;

(5) nursing homes and convalescent centers;

(6) professional office buildings, buildings containing 20,000 or more square feet of floor space and wherein commercial activity or profession is practiced in all or the majority of such building or structure;

(7) funeral homes;

(8) commercial business and trade schools or colleges."

Sec. 2. Subsection (b), Section 20, Chapter 324, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 678g, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The State Building Commission shall have all necessary powers to require compliance with its rules and regulations and modifications thereof and substitutions therefor, including powers to institute and prosecute proceedings in the District Court to compel such compliance, and shall not be required to pay any

entry or filing fee in connection with the institution of such proceedings. The State Building Commission or a handicapped person who seeks injunctive relief to obtain compliance with the rules and regulations shall first notify a person responsible for the building and allow that person 90 days to bring the building into compliance. The State Building Commission shall have the authority to extend the 90 day period when circumstances justify such extension.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1

Amend subsection (d) of Section 1 of **C.S.S.B. 773** by striking the period at the end of the first sentence and adding “, in counties with a population of 50,000 or more.”

The amendments were read.

Senator Doggett moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 1094 WITH HOUSE AMENDMENT

Senator Ogg called **S.B. 1094** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. 1094**:

A BILL TO BE ENTITLED

AN ACT

regulating write-in candidacy for public office, amending the Texas Election Code by adding Section 62B (Article 6.06b, Vernon's Texas Election Code) and 101b (Article 8.19b, Vernon's Texas Election Code), and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Texas Election Code is amended by adding Section 62b to read as follows:

Sec. 62. Write-in candidate for public office; declaration of candidacy.

“Subdivision 1. Elections to which applicable; procedure for filing declaration. In the general election for state and county officers held on the first Tuesday after the first Monday in November of even-numbered years, no write-in vote may be counted for a person unless that person files a declaration of write-in candidacy within the time specified in Subdivision 2 or Subdivision 3 of this section, whichever is applicable. The declaration shall be filed with the same person with whom an independent candidate for the same office files his application to have his name printed on the ballot. It shall contain the same information as that required

on the application of a candidate whose name is to be printed on the ballot, but shall state that the person is running as a write-in candidate instead of requesting that his name be printed on the ballot.

"Subdivision 2. Filing deadline. Except as provided in Subdivision 3 of this section, the declaration of write-in candidacy must be filed not later than 5 p.m. of the last day which is not a Saturday, a Sunday, or an official state holiday, preceding the beginning of the period for absentee voting in the election. The declaration must reach the office of the appropriate officer by that deadline, and a mailing without a delivery by the deadline is not sufficient.

"Subdivision 3. Extended deadline. Where a candidate whose name is to be printed on the ballot dies or is declared ineligible to hold this office on or after the second day preceding the filing deadline stated in Subdivision 2 of this section, a write-in candidate may file his declaration at any time before 12 noon of the day preceding election day. Absentee ballots voted before the death or ineligibility or before the filing of the declaration of write-in candidacy shall be counted in the same manner as if the write-in candidate had filed under Subdivision 2.

"Subdivision 4. Certification of filing. On a declaration which is filed under Subdivision 2 of this section, the officer with whom it is filed shall certify the name of the write-in candidate to the clerk for absentee voting in the election (or to each clerk, if there is more than one), before the absentee voting begins. On a declaration which is filed under Subdivision 3, he shall notify the clerk for absentee voting immediately, if the period for applying for an absentee ballot has not expired. He shall also certify the name of each write-in candidate to the officer who is in charge of distribution of ballots to the presiding judges of the election.

"Subdivision 5. Notification to presiding election judges.

"(a) Before election day, the officer having charge of distribution of the ballots for the election shall furnish to each presiding judge a sufficient number of copies of a list of the names of write-in candidates who have qualified under this section so that the presiding judge shall be able to comply with the requirements of subsection (b) of this subdivision.

"(b) Each presiding judge shall post a copy of the list of write-in candidates in the same locations where instruction cards are posted in accordance with Article 7.15 and Article 8.03, Vernon's Texas Election Code, or in the same location where sample ballots are posted in accordance with Article 7.15 and Article 7.14, Vernon's Texas Election Code."

Section 2. The Texas Election Code is amended by adding Section 101b, to read as follows:

"101b. Tallying votes for write-in candidates.

"In the general election for state and county officers held on the first Tuesday after the first Monday in November of even-numbered years, before the counting begins the presiding judge shall furnish the counting officers with the list of write-in candidates who have qualified for the election as provided in Section 236a of this code. Only the names of the candidates printed on the ballot and the names of write-in candidates appearing on the list shall be entered on the tally sheets, and a write-in vote for any other person shall not be tallied."

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Ogg moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower.

SENATE BILL 143 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 143** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 143** by striking the sentence commencing on line 11 and ending on line 13 p. 1 and substituting the following:

"The court may confer with a child 12 years of age or older, in open court or in chambers, to consider the viewpoint of the child on the appointment of a managing conservator but shall not be bound thereby."

The amendment was read.

Senator Doggett moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 143** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Doggett, Mauzy, Hance, Truan and Jones of Harris.

SENATE BILL 65 WITH HOUSE AMENDMENT

Senator Schwartz called **S.B. 65** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 65** by striking Sections 1, 2, 3, and 5 and amending the caption accordingly.

The amendment was read.

Senator Schwartz moved to concur in the House amendment.

The motion prevailed.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the conference committee report on Senate Bill 1235 adopted by a non record vote.

H.C.R. 191, Commending Mrs. Carolyn Donaldson.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 143.

House Conferences: M. Garcia, Nowlin, Maloney, McFarland, Grant.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 133 WITH HOUSE AMENDMENT

Senator Schwartz called **S.B. 133** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 133** in quoted subdivision (2) of Section 1, by adding the following after the last sentence:

No class of persons who are paid as the result of jury service or an appointment to serve in the conduct of elections may be considered employees under this article unless declared to be employees by a majority vote of the members of the governing body of a political subdivision."

The amendment was read.

Senator Schwartz moved to concur in the House amendment.

The motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 366 ADOPTED

Senator Ogg submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 366 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

OGG
DOGGETT
PARKER
TRUAN
On the part of the Senate

EZZELL
ATKINSON
BROWDER
McBEE
WYATT
On the part of the House

CONFERENCE COMMITTEE REPORT

S.B. No. 366

A BILL TO BE ENTITLED**AN ACT**

exempting from the Motor Vehicle Retail Sales and Use Tax the receipts from the sale or rental and use of certain vehicles designed for transportation of persons with orthopedic handicaps which require vehicle modification or assistance; amending Article 6.09, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, by adding Section (3); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 6.09, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Section (3) to read as follows:

“(3) (a) There are exempted from the taxes imposed by this chapter the receipts from the sale and use of a motor vehicle that is driven primarily by an orthopedically handicapped person. Exemption under this section shall extend to privately owned vehicles which require modification for operation by an

orthopedically handicapped person. Exemption under this section shall not extend to any vehicle owned or operated by any corporation, partnership, limited partnership, or association.

"(b) The comptroller shall promulgate rules and regulations to ensure that any vehicle exempt from taxation under this section is used primarily for the purposes specified herein. Any person seeking exemption from taxation under this section shall present such information or documents as the comptroller may require pursuant to granting any exemption.

"(c) For the purposes of this section, an 'orthopedically handicapped person' is one who is so physically impaired that he is unable to operate a motor vehicle which has not been specially modified."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

SENATE BILL 168 WITH HOUSE AMENDMENT

Senator Clower called **S.B. 168** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend S.B. No. 168, First Printing, as follows:

(1) Strike lines 8 through 11 on page 1 and substitute the following:

Section 1. Sections 2 and 5, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5421z, Vernon's Texas Civil Statutes), are amended to read as follows:

(2) Strike quoted Sections 7, 9, 10, 12, 13, 14, 15, 16, 18, 19, 20, and 21 on page 1, line 24, through page 6, line 14.

(3) Strike Section 2 of the bill on page 6 and substitute the following:

Sec. 2. Chapter 279, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5421z, Vernon's Texas Civil Statutes), is amended by adding Section 11A to read as follows:

"Section 11A. ASSISTANCE TO KICKAPOO INDIANS AND INTERTRIBAL INDIAN ORGANIZATIONS. (a) The Traditional Kickapoo Indians of Texas are recognized as a Texas Indian tribe.

"(b) The commission shall assist the Traditional Kickapoo Indians and the intertribal Indian organizations chartered in this state in applying for and managing, jointly with the commission, federal programs and funds secured from the federal government or private sources for the purpose of improving health, education, and housing standards of these Indians or increasing their economic capabilities.

"(c) The commission may seek the cooperation of local and state agencies in administering programs or funds covered by Subsection (b) of this section."

The amendment was read.

Senator Clower moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Jones of Taylor, Moore.

SENATE BILL 1301 WITH HOUSE AMENDMENT

Senator McKnight called **S.B. 1301** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. 1301**:

A BILL TO BE ENTITLED

AN ACT

relating to the compensation and membership of the Hunt County Juvenile Board; amending Sections 1 and 4, Chapter 305, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 5139CC, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Sections 1 and 4, Chapter 305, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 5139CC, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. There is hereby established a County Juvenile Board in Hunt County, which shall be composed of the county judge, the judge of the county court at law in Hunt County, the judge of the 196th Judicial District ~~[each judicial district which includes Hunt County]~~, and three ~~[four]~~ non-salaried members who are citizens of Hunt County, one ~~[two]~~ to be appointed by the county judge, one by the judge of the county court at law, and one by the ~~[each]~~ district judge. The terms of office of the non-salaried appointed members of the Board are for one year each ~~[alternating terms of two years each]~~. The terms of [two of] the non-salaried appointed members expire on December 31st of each ~~[odd-numbered]~~ year ~~[and the terms of the remaining two non-salaried appointed members expire on December 31st of each even-numbered year]."~~

"Section 4. As compensation for the added duties imposed upon the judicial members of the Juvenile Board, the ~~[county and district]~~ judges of the county court, county court at law, and district court may be allowed additional compensation not to exceed Three Thousand, Six Hundred Dollars (\$3,600) ~~[Twelve Hundred Dollars (\$1,200)]~~ per year, and the clerk of the juvenile court may be allowed additional compensation not to exceed Eight Hundred Dollars (\$800) per year. Any additional compensation allowed shall be fixed by the Commissioners Court of Hunt County.

and paid monthly in twelve (12) equal installments out of the general fund or any other available fund of the county. Such compensation shall be in addition to all other compensation now provided or allowed by law for the county judges, district judges, judges of the county court at law, and clerk of the juvenile court and shall not be counted as fees of office. Each other member of the Board serves without compensation. This Act shall be cumulative of existing laws relating to compensation for judges of district courts, county courts ~~[judges]~~, and county courts at law, and clerks of juvenile courts."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator McKnight moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 612 WITH HOUSE AMENDMENT

Senator Patman called **S.B. 612** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 612** at line 13 by striking subsection "(b)" and substituting the following:

"(b) Each state agency shall file an inventory record with the Systems Division of the software developed or acquired by the agency. The System Division shall distribute to other state agencies information about the software covered by the inventory record."

The amendment was read.

Senator Patman moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1025 WITH HOUSE AMENDMENT

Senator Clower called **S.B. 1025** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 1025** as follows:

(1) On page 1, line 14 by inserting between the words “other” and “person” the word “classified”.

(2) On page 1, line 16 by striking the word “may” and substituting the word “shall”.

(3) On page 1, line 21 by striking the word “absolute”.

The amendment was read.

Senator Clower moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 788 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 788** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 788** on page 2, line 3, by adding after “information” and before “which” the following language:

“on the Corporate Franchise Tax Form but in no event more than once a year”

The amendment was read.

Senator Doggett moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 788** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Doggett, Mengden, Jones of Harris, Santiesteban and Mauzy.

SENATE BILL 91 WITH HOUSE AMENDMENT

Senator Brooks called **S.B. 91** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. No. 91** as follows:

- (1) On page 2, line 2, strike "10,000" and substitute "6,000".
- (2) On page 2, line 14, strike "10,000" and substitute "6,000".

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 952 WITH HOUSE AMENDMENT

Senator Moore called **S.B. 952** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 952** line 22 of page one by deleting "\$25" and substituting "\$17.50".

The amendment was read.

Senator Moore moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Haris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Truan.

SENATE BILL 1260 WITH HOUSE AMENDMENTS

Senator Ogg called **S.B. 1260** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. 1260**:

A BILL TO BE ENTITLED

AN ACT

relating to the expenses of investigations by the State Fire Marshal or persons designated to act on behalf of the State Fire Marshal; repealing Article 6.13,

Vernon's Texas Insurance Code; amending Article 5.45, Vernon's Texas Insurance code, amending Article 5.46, Vernon's Texas Insurance code and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 491, Acts of the 52nd Legislature, (Article 5.45, Vernon's Texas Insurance Code) as amended, is amended to read as follows:

"Article 5.45. Acting Fire Marshal

"If for any reason the State Fire Marshal is unable to make any required investigation in person, he may designate the fire marshal of such city or town or some other suitable person to act for him; and such person so designated shall have the same authority as is herein given the State Fire Marshal with reference to the particular matter to be investigated by him, and shall receive such compensation for his services as the Board may allow. ~~[If the investigation of a fire is made at the request of an insurance company, or at the request of a policyholder sustaining loss, or at the request of the mayor, town clerk or chief of the fire department of any city, village or town in which the fire occurred, then the expenses of the Fire Marshal, clerical expenses, witnesses and officers fees incident and necessary to such investigation shall be paid by such insurance company, or such policyholder or such city or town as the case may be, otherwise the expenses of such investigation are to be paid as part of the expenses of the Board. The party or parties, company or companies, requesting such investigation, shall before such investigation is commenced deposit with the Board an amount of money in the judgment of said Board sufficient to defray the expenses of said Fire Marshal in conducting such investigation.]"~~

Section 2. Chapter 491, Acts of the 52nd Legislature (Article 6.13, Vernon's Texas Insurance code), is hereby repealed effective January 1, 1978. It shall be the duty of the State Board of Insurance to provide for the removal of the provisions of the repealed Article from policies delivered or issued for delivery on and after the effective date of this act.

Section 3. Article 5.46, Vernon's Texas Insurance Code, is amended to read as follows:

"Article 5.46. ~~[Result of Investigation]~~ Report of Information

~~[No action taken by the State Fire Marshal shall affect the rights of any policyholder or any company in respect to a loss by reason of any fire so investigated; nor shall the result of any such investigation be given in evidence upon the trial of any civil action upon such policy, nor shall any statement made by an insurance company, its officers, agents or adjusters, nor by any policyholder, or anyone representing him, made with reference to the origin, cause or supposed origin or cause of a fire to the Fire Marshal or to anyone acting for him, or under his direction be admitted in evidence or made the basis for any civil action for damages.]~~

"(A) The State Fire Marshal, any Fire Marshal of a political subdivision in Texas, or the Chief of any established fire department in Texas may request any insurance company investigating a fire loss of real or personal property in which damages or losses exceed one thousand dollars to release information in its possession relative to that loss. The company shall release the information and cooperate with any official authorized to request such information pursuant to this section. The information may include, but not exceed:

"(1) Any insurance policy relevant to a fire loss under investigation and any application for such a policy;

"(2) Policy premium payment records;

"(3) History of previous claims made by the insured for fire loss;

"(4) Material relating to the investigation of the loss, including statements of any person, proof of loss, or other relevant evidence.

"(5) The provisions of this section shall not be construed to authorize a public official or agency to promulgate or require any type or form of periodic report by an insurer.

"(B) If an insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means and if it receives a request for information pursuant to Section A, the company shall notify the requesting official and furnish him with all relevant material acquired during its investigation of the fire loss, cooperate with and take such action as may be requested of it by any law enforcement agency, and permit any person ordered by a court to inspect any of its records pertaining to the policy and the loss.

"(C) In the absence of fraud or malice no insurance company, or person who furnished information on its behalf, is liable for damages in a civil action or subject to criminal prosecution for oral or written statement made or any other action taken that is necessary to supply information required pursuant to this section.

"(D) The officials and departmental and agency personnel receiving any information furnished pursuant to this section shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding.

"(E) Any official referred to in Section (A) of this section may be required to testify as to any information in his possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against an insurance company for the fire loss.

"(F) (1) No person shall purposely refuse to release any information requested, pursuant to Section (A) of this section.

"(2) No person shall purposely refuse to notify the fire marshal of a fire loss required to be reported pursuant to Section (B) of this section.

"(3) No person shall purposely refuse to supply the Fire Marshal with pertinent information required to be furnished pursuant to Section (B) of this section.

"(4) No person shall purposely fail to hold in confidence information required to be held in confidence by Section (D) of this section."

Section 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1

Amend C.S.S.B. 1260, 1st printing by striking Sec. 2 in its entirety.

Floor Amendment No. 2

Amend C.S.S.B. 1260, as amended, by adding a new Section immediately before Sec. 4 to read as follows, and renumbering subsequent sections.

Section 3. For the purpose of paying the expenditures authorized for the enforcement and administration of this Act, the State Comptroller shall place in the Insurance Board Operating Fund from current revenues and balances on hand the amounts designated by the Commissioner of Insurance from the following sources:

Fireworks License Fund 119;

Fire Extinguisher Fund 110;

Fire Alarms and Detection System Fund 181."

The amendments were read.

Senator Ogg moved to concur in the House amendments.

The motion prevailed.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House concurred in Senate amendments to **H.B. 1799** by a non record vote. Passed subject to Sec. 49A, Art. 3, Constitution of Texas

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 788.

House Conferees: Grant, Maloney, Semos, Bird, Salinas.

H.C.R. 187, Honoring Charles R. Barden upon his retirement from the Texas Air Control Board.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 866 WITH HOUSE AMENDMENT

Senator Ogg called **S.B. 866** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend S.B. No. 866 by deleting the words "tangible personal property, or vegetation," and inserting the words "or a motor vehicle," after the word "habitation," on page 4, line 2.

The amendment was read.

Senator Ogg moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 117

Senator Ogg offered the following resolution:

WHEREAS, On Sunday, May 29, 1977, Mr. Anthony Joseph Foyt, Jr., of Houston, won the most coveted victory attainable in motor sports, the Championship of the Indianapolis 500; and,

WHEREAS, In taking the Checkered Flag in this year's "500", Anthony Joseph Foyt, Jr., became the first person in the annals of racing to win "Indy" on four occasions; and,

WHEREAS, Participating in his 20th "500", he averaged a near record 161.331 miles per hour over the grueling 500 mile course; and,

WHEREAS, A. J.'s dramatic victories are due not only to his prowess as a driver, but are in large part due to his skill and ability as a designer and engineer of the machines he operates; and,

WHEREAS, In addition to his wins at the "Foyt 500", A. J. Foyt, Jr., has won countless races, both national and international, that have made him one of the greatest sportsmen in history; and,

WHEREAS, Through his tireless efforts and those of the Foyt team, automotive technology has greatly advanced to the benefit of the safety and efficiency for all motorists; and,

WHEREAS, "Super Tex" has earned the esteem and respect of all, and has brought honor and prestige to the Lone Star State with his many achievements; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, that the State of Texas extend warm and much deserved congratulations to Anthony Joseph Foyt, Jr., for his 4th victory at Indianapolis, along with best wishes for at least his 5th "500" win; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Anthony Joseph Foyt, Jr., as an expression of esteem and appreciation to him.

OGG
JONES OF HARRIS
BROOKS
WILLIAMS
SCHWARTZ
MENGDEN

The resolution was read.

On motion of Senator Ogg and by unanimous consent, the resolution was considered immediately and was adopted.

On motion of Senator Longoria and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

SENATE RULE 103 SUSPENDED

On motion of Senator Moore and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **H.C.R. 31** today.

SENATE BILL 957 WITH HOUSE AMENDMENT

Senator Jones of Harris called **S.B. 957** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 957**, page 4, immediately preceding Section 6, as follows:

1) By adding a new Section 5a, amending Section 57.057, Water Code, to read as follows:

~~"After creation of a district with boundaries which are the same as the boundaries of the county in which it is located, an election may be held to determine whether or not directors for the district will be elected rather than appointed."~~

2) By adding a new Section 5b, amending Section 57.058, Water Code, to read as follows:

~~"In districts which have elected boards, there shall be five directors on the board. In county wide districts, one director shall be elected by the electors of the entire district and one director elected from each county commissioner's precinct by the electors of that precinct. In other districts, all five directors shall be elected from precincts within the district to be established by the commissioners court."~~

3) By adding a new Section 5c, amending Section 57.060, Water Code, to read as follows:

~~"Before an election is held under Section 57.057 of this code, a petition, signed by at least 25 electors in each county commissioner's precinct who are qualified to vote at an election for directors if a county wide election, or by 50 electors if less than county wide, shall be presented to the county judge requesting that an election be held in the district to determine whether or not directors for the district should be elected and, if so, to elect directors to serve until the next regular election for state and county officers. The petition shall include the name of one or more nominees for each director's position."~~

4) By adding a new Section 5d, amending subsections (b) and (c) of Section 57.061, Water Code to read as follows:

~~"(b) The election order shall designate the polling places which shall be the same as the polling places used in the last general election in the county, if a county-wide election is held."~~

~~"(c) The district county shall pay all expenses incident to calling and holding the election."~~

The amendment was read.

Senator Jones of Harris moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 233 WITH HOUSE AMENDMENT

Senator Mauzy called **S.B. 233** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 233:

A BILL TO BE ENTITLED

AN ACT

relating to compensation of judges of certain courts in counties having a population of not less than 1,200,000 inhabitants; amending Section 1, Chapter 906, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3883i-2, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1, Chapter 906, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3883i-2, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. In all counties of this State having a population of not less than one million, two hundred thousand (1,200,000) [~~one million, five hundred thousand (1,500,000)~~] inhabitants, according to the last preceding Federal census, the Commissioners Court shall fix the salary of each of the Judges of the Probate Courts, Judges of the County Courts at Law, and Judges of the County Criminal Courts at Law at not less than One Thousand Dollars (\$1,000) less per annum than the total annual salary received by Judges of the District Courts in such counties, which shall be paid in twelve (12) equal monthly installments."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 479 WITH HOUSE AMENDMENT

Senator Mauzy called **S.B. 479** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. 479**:

A BILL TO BE ENTITLED

AN ACT

relating to offset benefits and pension contributions for workers' compensation; amending Section 5, Article 8309h, V.T.C.S., and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 5, Article 8309h, V.T.C.S., is amended to read as follows:

"Section 5. a. It is the purpose of this article that the compensation herein provided for shall be paid from week to week and as it accrues and directly to the person entitled thereto, unless the liability is redeemed as in such cases provided elsewhere herein. Provided further, however, that any and all sums for incapacity received in accordance with Chapter 325, Acts of the 50th Legislature, 1947 as amended (Article 1269m, V.T.C.S.), and any other statutes now in force and effect that provided for payment for incapacity to work because of injury on the job that is also covered by this Act are hereby offset as against the benefits provided under this Act to the extent applicable. Provided that when an employee's wage is offset as prescribed above both the employer and the employee shall pay into the pension fund on the amount of money by which his wage was offset and provided further that under no circumstances shall an employee's pension benefit be reduced as a result of his injuries or any compensation received under the provision of this Act, unless such reduction is a result of a pension revision passed by majority vote of the affected members of a pension system.

b. When benefits are offset as in Section 5 a. of this Act the employer shall not withhold the offset portion of the employees wages until such time as the benefits from this Act are received."

Section 2. The importance of this legislation and the crowded condition of calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 697 WITH HOUSE AMENDMENT

Senator Mauzy called **S.B. 697** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 697** by amending Section 2 of the bill to read as follows:

Sec. 2. Article 13.14, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 13.14 Apportionment of Tax; Tax Levy by Counties and Cities. Except as herein provided in this Chapter, one-fourth (1/4) of the net revenue derived from this Chapter shall be credited to the Available School Fund of the

State of Texas and three-fourths (3/4) of the net revenue derived from this Chapter shall be credited to the Clearance Fund, established by Article XX of House Bill No. 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941. Provided that all counties and cities within this State may levy an occupation tax on coin-operated machines in this State in an amount not to exceed one-half (1/2) of the State tax levied herein. Further provided that all political subdivisions of this State shall, for zoning purposes, treat the exhibition of a music and skill or pleasure coin-operated machine as indistinguishable from the principal use to which the property where exhibited is devoted. This does not prohibit Cities from restricting the exhibition of coin-operated amusement machines within three hundred (300) feet of a church, school or hospital."

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 1289 WITH HOUSE AMENDMENTS

Senator Jones of Taylor called **S.B. 1289** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 1289** by substituting in Section 1, subsection (d), as amended by Section 1 of the bill, on page three, line 22, the phrase, "Texas Water Rights Commission or its successor" in lieu of the phrase "Board of Water Engineers."

Committee Amendment No. 2

Amend **S.B. 1289** by adding a new subsection (f) to Section 10 as amended by Section 1 of the bill, to read as follows:

"(f) The district shall comply with the provisions of Sections 51.421 and 51.422, Texas Water Code."

Committee Amendment No. 3

Amend **S.B. 1289** by adding the following as the last paragraph to Section 1 as amended by Section 1 of the bill:

"The rights, powers, privileges, authority and functions herein granted to the district and the district itself are expressly subject to Chapters 5, 6, 21, and 50 of the Texas Water Code."

The amendments were read.

Senator Jones of Taylor moved to concur in the House amendments.

The motion prevailed.

SENATE CONCURRENT RESOLUTION 56 WITH HOUSE AMENDMENT

Senator Patman called **S.C.R. 56** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Amendment No. 1

Amend S.C.R. No. 56 as follows:

(1) Strike the Whereas clauses and substitute the following:

WHEREAS, Modernized money management of state cash balances is long overdue;

WHEREAS, antiquated money management will cost the state over 200 million dollars over the next ten years;

WHEREAS, if the state does not earn this interest income, that amount will have to be raised through taxation, and there is no justification for the taxpayers bearing this burden;

WHEREAS, at the end of the last fiscal year, the State of Texas had on deposit over 407 million dollars sitting idle in checking accounts where it was earning absolutely no interest; and

WHEREAS, the Comptroller's office and the Legislative Budget Board estimate 42.6 million dollars in additional interest income could be earned each biennium; now therefore, be it

(2) strike the Resolving clauses and substitute the following:

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the State Treasurer is directed to establish and maintain a continuous cash flow forecasting system to enable him to determine on a daily basis the cash available for investment and to enable the State Depository Board to adopt a continuing investment plan that will (1) restrict the amount of state funds kept in "demand deposits" accounts in state depositories to those levels authorized by this Resolution, and (2) maximize the amount of state funds kept in "time deposits" accounts in depository banks; and, be it further

RESOLVED, That the State Depository Board is directed to adopt and implement the investment plan no later than January 1, 1978, and that the Depository Board may revise the amounts of state funds designated for time deposits and demand deposits to reflect changing financial conditions, and that the State Treasurer is directed to limit demand deposits to the amounts authorized by this Resolution; and, be it further

RESOLVED, That after the adoption and implementation of the investment plan, the treasurer is directed to deposit funds in accordance with the investment plan and to provide the State Depository Board with such forecast information as the board may require, and that state agencies are directed to provide the Treasurer with such revenue and expenditure information as he may need to maintain the cash flow forecasting system; and, be it further

RESOLVED, That the investment plan shall apply only to state funds deposited in the treasury by state agencies; and, be it further

RESOLVED, That the Depository Board is directed to determine the amounts to be awarded to each state depository for time deposits by soliciting competitive bids, and that the board is directed to accept bids and award deposits in a manner

calculated to yield the maximum income to the State, with consideration given to the interest rate offered, the amount of funds for which bids were submitted, and the maturity period offered by each State depository that submits a bid, and, be it further

RESOLVED, That the Depository Board is directed to award time accounts on the basis of competitive bids, except that prior to accepting bids and awarding deposits, if adequate State funds are forecast, the Board may award up to \$100,000 to each eligible depository which agrees to pay the rate of interest set by the Board, and the Board is directed to set an interest rate on these funds not subject to competitive bidding equal to or greater than the yield currently available on United States Treasury bills of the same maturity, and the Board is directed to obtain for these funds the longest maturity period consistent with the cash forecast, which in no case shall be shorter than six months; and be it further

RESOLVED, That the Depository Board is directed to keep funds in demand accounts only in accordance with the terms and conditions of a depository contract approved by the Board, and the Board is directed not to approve a depository contract that does not specify the services which the bank will provide and the levels of compensating balance which it will receive for each service, and that prior to the approval of any depository contract by the Board, the Treasurer is directed to propose to the Board the levels of compensating balance which should be exchanged for services to be provided by the bank; and, be it further

RESOLVED, That the State Depository Board is directed to place State funds in "demand deposits" accounts only to (1) provide adequate funds to pay warrants presented to the Treasurer, (2) provide compensating balances for banks that clear and collect checks, drafts, demands for money, or other obligations due the State and deposited by the Treasurer for collection, (3) provide compensating balances for banks that provide General Revenue Fund deficit warrants as collateral for State "demand deposits," (4) provide compensating balances for banks that provide lockbox services, (5) provide compensating balances for banks that provide other services to the Treasurer, or (6) hold funds that the Treasurer cannot invest, or for emergency purposes that the Depository Board may approve, and that the Board is directed not to place State funds in "demand deposits" for the purpose of providing compensating balances to a bank in exchange for the cashing or collecting of State warrants, including warrants payable to State employees.

The amendments were read.

Senator Patman moved to concur in the House amendment.

Question - Shall the Senate concur in the House amendment?

SENATE CONCURRENT RESOLUTION 56 RECOMMITTED

On motion of Senator Moore, S.C.R. 56 was recommitted to the Committee on Finance by the following vote: Yeas 15, Nays 13, Present-Not Voting 2.

Yeas: Adams, Creighton, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Moore, Ogg, Parker, Santiesteban, Snelson, Williams.

Nays: Andujar, Braecklein, Clower, Doggett, Farabee, Jones of Harris, Mauzy, Meier, Mengden, Patman, Schwartz, Sherman, Truan.

Present-Not Voting: Aikin, Brooks.

Absent: Traeger.

SENATE BILL 208 WITH HOUSE AMENDMENT

Senator Andujar called **S.B. 208** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 208** by striking the words "title of" on line 7, page 1

The amendment was read.

Senator Andujar moved to concur in the House amendment.

The motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 157 ADOPTED

Senator Meier called from the President's table the Conference Committee Report on **S.B. 157**. (The Conference Committee Report having been filed with the Senate and read on today.)

On motion of Senator Meier, the Conference Committee Report was adopted by the following vote: Yeas 23, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Creighton, Doggett, Longoria, McKnight, Santiesteban.

Absent: Adams, Moore, Traeger.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
Lieutenant Governor
President of the Senate
Austin, Texas 78711

Honorable Bill Clayton
Speaker of the House of Representatives
Austin, Texas 78711

Honorable Members of the Legislature
Austin, Texas 78711

Honorable Lt. Governor, Honorable Speaker, and Honorable Members of the Legislature:

Today I am submitting as an emergency matter the accompanying measure under the provisions of Article III, Section 5, of the Constitution of the State of Texas.

I urge your prompt consideration and enactment of this measure.

TO THE MEMBERS OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

Pursuant to the provisions of Article III, Section 5, of the Texas Constitution, I herewith submit as an emergency matter **S.B. 1327** the subject of County School Administration of Fayette County.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

RECESS

On motion of Senator Aikin the Senate at 11:50 o'clock a.m. took recess until 12:05 p.m. today.

AFTER RECESS

The Senate met at 12:05 o'clock p.m. and was called to order by Senator Adams.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 32**.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed. (Sponsor, vote on suspension of Senate Rule 73, the Constitutional Three-Day Rule and final passage indicated after each bill.)

S.R. 796 (Schwartz, Traeger) Directing the Senate Jurisprudence Committee to conduct an interim study of product safety and liability problems in the State of Texas. (vv)

H.B. 924 (Brooks) Relating to the commitment of a mentally retarded child who has been accused of delinquent conduct indicating a need for supervision. (31-0)(31-0)(31-0)

H.B. 972 (Mengden) Relating to assessment of property taxes on certain property in a planned unit development. (31-0)(31-0)(31-0)

H.B. 1826 (Harris) Relating to the increase of examination fees of perpetual care cemeteries. (31-0)(31-0)(31-0)

H.B. 2207 (Kothmann) Relating to the assignment clerk of the district courts of Bexar County. (31-0)(31-0)(31-0)

H.B. 2266 (Traeger) Relating to making a supplemental appropriation to the Texas Agriculture Experiment Station and the Texas Animal Health Commission. (31-0)(31-0)(31-0)

H.C.R. 62 (Schwartz) Requesting the governor to conduct a pilot study of the Texas Gulf Coast activity-assessment routine. (vv)

H.C.R. 161 (Sherman) Granting Janet Lock permission to sue the State of Texas. (vv)

H.C.R. 166 (McKnight) Granting Edith Davis permission to sue the State of Texas. (vv)

H.C.R. 184 (Jones of Harris) Granting Primary Fuels, Inc., permission to sue the State of Texas. (vv)

C.S.H.C.R. 186 (Jones of Harris) Expressing support for efforts by the governor to relieve the burden of federal flood insurance. (vv)

H.C.R. 190 (Snelson) Relating to recommending that state agencies use the Kerrville Training Facility to instruct certain state employees. (vv)

RESOLUTION REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

The following resolution was removed from the Local and Uncontested Bills Calendar:

Resolution No.
S.R. 793

Senators Objecting
Creighton, McKnight, Moore

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

RECESS

On motion of Senator Aikin the Senate at 12:12 o'clock p.m. took recess until 2:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

SENATE RESOLUTION 815

Senator Aikin offered the following resolution:

WHEREAS, The Texas Senate today convenes for the first time in over thirty years without the presence of one of the most loyal, dedicated, and conscientious employees to have ever served the Senate; and

WHEREAS, Mrs. Madge Steinle began her career with the Senate in 1942 and served with great distinction through 1975; and

WHEREAS, Mrs. Steinle, as Supervisor of Senate Staff Services, became a trusted friend of each member of the Senate, serving the Senate with a cheerful spirit and an uncompromising standard of highest regard for the public trust; and

WHEREAS, Mrs. Madge Steinle shall be missed and revered as a faithful and longtime employee of the Senate; now, therefore, be it

RESOLVED, That the Senate of Texas, 65th Legislature, Regular Session, hereby extend most sincere appreciation to Mrs. Madge Steinle for her dedicated service to the Senate and the people of Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared and presented to Mrs. Steinle as a small token of deepest gratitude and sincere best wishes for a continued happy and productive life.

The resolution was read and was adopted.

SENATE RESOLUTION 816

Senator Aikin offered the following resolution:

WHEREAS, Mrs. Martha Sturgeon served for over twenty years as a dedicated, faithful, and conscientious employee of the Senate of Texas; and

WHEREAS, As Assistant Supervisor of Senate Staff Services, Mrs. Sturgeon was a vital and important employee of the Senate; and

WHEREAS, Mrs. Sturgeon's highest personal and professional standards became a model for all Senate employees and a source of pride and trust for each member of the Senate; and

WHEREAS, Mrs. Sturgeon now retires after many years of outstanding service to the Senate and to the people of Texas; now, therefore, be it

RESOLVED, That the Senate of Texas, 65th Legislature, Regular Session, hereby extend deepest and most sincere appreciation for a job well done to Mrs. Martha Sturgeon; and, be it further

RESOLVED, That a copy of this resolution be prepared and presented to Mrs. Sturgeon on behalf of the Senate as a small token of our gratitude and best wishes.

The resolution was read and was adopted.

SENATE RESOLUTION 817

Senator Aikin offered the following resolution:

WHEREAS, During the 63rd Regular Session of the Texas Legislature, Mr. Claiborn Crain served with distinction in the vital and important position of Clerk for the Committee on Administration of the Senate; and

WHEREAS, Claiborn was subsequently promoted to Assistant Secretary of the Senate, serving the Senate with the highest standards of personal and professional conduct; and

WHEREAS, Claiborn's cheerful spirit and selfless manner earned him the respect and trust of the Senate and each of his colleagues; and

WHEREAS, Claiborn Crain has now been called to serve a former distinguished member of the Senate, The Honorable Jack Hightower, United States Congressman; now, therefore, be it

RESOLVED, That the Senate of Texas, 65th Legislature, Regular Session, hereby extend to Mr. Claiborn Crain our most sincere appreciation for his outstanding service to the Senate and the people of Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared and presented to Mr. Claiborn Crain as a token of gratitude and best wishes to a fine young man and his family.

The resolution was read and was adopted.

SENATE RESOLUTION 818

Senator Aikin offered the following resolution:

WHEREAS, Mrs. Mary Hobart Key served with great distinction as Enrolling Clerk for the Senate of Texas during the 64th Legislature, the 63rd Legislature, and the 3rd and 4th Called Sessions of the 62nd Legislature; and

WHEREAS, Mrs. Key's prior service as legal counsel to the Enrolling Clerk of the Senate underscores an outstanding period of public service to the people of Texas; and

WHEREAS, Mary Hobart Key was a trusted and dedicated officer of the Senate who discharged the responsibilities of her office with the highest standards of personal and professional conduct; and

WHEREAS, Mary Hobart Key has now relinquished the demands of public service in order to dedicate her time and energies to her young son, Thomas Fisher Key; now, therefore, be it

RESOLVED, That the Senate of Texas, 65th Legislature, Regular Session, hereby direct that a copy of this resolution be prepared and presented to Mrs. Mary Hobart Key as an expression of our gratitude for her loyal and dedicated service to the Senate and of our best wishes for a continued happy and productive life.

The resolution was read and was adopted.

SENATE BILL 1045 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 1045** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend Section 1 of **S.B. 1045** as printed by adding the words "Teacher Retirement System of Texas, and the" between the words "the" and "Texas" on lines 15 and 20 of page 1 and lines 10-11 and 16 of page 2; and by adding the words "Teacher Retirement System of Texas or the" between the words "the" and "Texas" on line 23 of page 1.

The amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Moore submitted the following report for the Committee on State Affairs:

H.B. 1367

H.C.R. 31

H.B. 1644

HOUSE CONCURRENT RESOLUTION 31 ORDERED NOT PRINTED

On motion of Senator Moore and by unanimous consent, **H.C.R. 31** was ordered not printed.

HOUSE BILL 1367 ORDERED NOT PRINTED

On motion of Senator Moore, **H.B. 1367** was ordered not printed by the following vote: Yeas 22, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Snelson, Williams.

Nays: Doggett, Parker, Patman, Truan.

Absent: Clower, Farabee, Ogg, Sherman, Traeger.

(Senator Aikin in Chair)

SENATE BILL 737 WITH HOUSE AMENDMENTS

Senator Doggett called **S.B. 737** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend Section 5 of **S.B. 737** by striking all of Subsections 5 (a) and (b) and substituting in lieu thereof the following:

"(a) After a state agency contracts to use a private consultant, the state agency shall, upon request, supply the Legislative Budget Board and the Governor's Budget and Planning Office with copies of all study designs which are developed by the private consultant and copies of all reports resulting from the study by the private consultant.

"(b) Copies of all reports shall be filed with the Texas State Library and shall be retained by the library at least five years after receipt."

Floor Amendment No. 2

Amend Section 6 of **S.B. 737** by striking "Section 5 (a)", page 4, line 18, and substituting in lieu thereof the words "Section 5 (b)."

The amendments were read.

Senator Doggett moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 32 WITH HOUSE AMENDMENTS

Senator Longoria called **S.B. 32** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **S.B. 32** by striking the word "\$25." and inserting in lieu thereof the following: \$15.00.

Floor Amendment No. 2

Amend **S.B. 32** line 19, page 1 by adding the word "only" after the word "alleged".

The amendments were read.

Senator Longoria moved to concur in the House amendments.

The motion prevailed.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended and the conference committee report on Senate Bill No. 747 adopted by a record vote of 104 ayes, 30 nays.

S.B. No. 1327, relating to the county school administration of Fayette County.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 337 WITH HOUSE AMENDMENT

Senator Parker called **S.B. 337** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 337** by striking on page 1, line 18 word "may" and "[shall]" and substituting the following:

"shall, subject to the provisions contained in Section 3"
and by striking Section 3 and substituting the following:

"If additional counsel is necessary or proper for an official or employee provided legal counsel by Section 2 of this Act or if it reasonably appears that the act complained of may form the basis for the filing of a criminal charge against the official or employee, the county commissioners court shall employ and pay private counsel."

The amendment was read.

Senator Parker moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 180 WITH HOUSE AMENDMENT

Senator Mengden called **S.B. 180** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 180**, 1st printing by adding the following language after the word "county" on page 1, line 11:

"in this state with a population of not less than 150,000, according to the last preceding federal census"

The amendment was read.

Senator Mengden moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 146 WITH HOUSE AMENDMENT

Senator Mengden called **S.B. 146** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

To amend **S.B. No. 146** by deleting the word "and" on Line 11 and deleting Lines 12 through 16 on Page 1, and by adding in lieu thereof the following new Section 2 and appropriately renumbering all subsequent sections:

"Section 2. The following named criminal investigators of the United States shall not be deemed peace officers, but shall have the powers of arrest, search and seizure as to felony offenses only under the laws of the State of Texas:

Special Agents of the Federal Bureau of Investigation,
Special Agents of the Secret Service,
Special Agents of United States Customs, excluding border patrolmen, and custom inspectors,
Special Agents of Alcohol, Tobacco and Firearms, and
Special Agents of Federal Drug Enforcement Agency."

The amendment was read.

Senator Mengden moved to concur in the House amendment.

The motion prevailed.

CONFERENCE COMMITTEE REPORT SENATE BILL 788

Senator Doggett submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 788** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

DOGGETT
MENGDEN
JONES OF HARRIS
SANTIESTEBAN
MAUZY
On the part of the Senate

GRANT
BIRD
MALONEY
SALINAS
On the part of the House

S.B. No. 788

A BILL TO BE ENTITLED

AN ACT

relating to an annual report to be filed by a corporation and information to be included; amending Article 12.12, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended; and making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 12.12, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 12.12. **AUTHORITY OF COMPTROLLER OF PUBLIC ACCOUNTS, RULES AND REGULATIONS.** All reports to the Comptroller of Public Accounts required by this Chapter shall contain such information as the Comptroller of Public Accounts may require. He shall have authority to make and publish rules and regulations not inconsistent with the Constitution or laws of this State or of the United States for the enforcement of this Chapter. The Comptroller of Public Accounts may require any corporation to furnish such additional information from its books and records as may be necessary in determining the amount of taxes that may be due hereunder. The Comptroller of Public Accounts or his authorized representative, or the State Auditor or his authorized representative, shall have full and complete authority to investigate and inquire into and examine the books and records of any such corporation for the purpose of ascertaining the correctness of its franchise tax liability.

"In addition to any other requirements established by the Comptroller of Public Accounts, corporations shall provide the following information on the Corporate Franchise Tax Form, but in no event more than once a year, which the Comptroller of Public Accounts shall forward to the Secretary of State to be available for public inspection:

"(1) the name, title, and mailing address of each director and officer of the corporation; and

"(2) the name of each corporation in which the corporation filing the report owns a 10 percent or greater interest and the percentage owned by the corporation; the name of each corporation which owns a 10 percent or greater interest of the corporation filing the report.

"Any foreign corporation doing business in Texas under a Certificate of Authority granted under the laws of this State, or any officer or agent thereof, or any domestic corporation which shall fail or refuse to permit the Comptroller of Public Accounts, or his authorized representative, or the State Auditor or his authorized representative, to examine its books and records, whether the same be situated within this State or any other state within the United States, shall thereby forfeit its right to do business in this State; and its Certificate of Authority or charter shall be cancelled or forfeited."

Sec. 2. The unexpended balances from the appropriations for the office of the Secretary of State for the year ending August 31, 1977, are appropriated to the Secretary of State for the fiscal year ending August 31, 1978, and the unexpended balance from this 1977-1978 appropriation is appropriated to the Secretary of State for the fiscal year ending August 31, 1979, for the purpose of implementing the provisions of this Act.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

(President in Chair)

SENATE BILL 489 WITH HOUSE AMENDMENT

Senator Mengden called **S.B. 489** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend S.B. No. 489 by deleting the words "may", and the words "actual notice or" on line 7 page 2 and substituting therefor the word "shall" before the word "be".

The amendment was read.

Senator Mengden moved to concur in the House amendment.

The motion prevailed.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the motion to concur in the House amendment.

CONFERENCE COMMITTEE REPORT SENATE BILL 747

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas
May 26, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 747** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MAUZY
WILLIAMS
KOTHMANN
TRUAN
On the part of the Senate

SEMOS
SMITH
CAIN
LAUHOFF
HUDSON
On the part of the House

CONFERENCE COMMITTEE REPORT

AN ACT

relating to commissioning certain housing security officers as peace officers under certain circumstances; relating to the noneligibility for certain benefits of housing security officers commissioned as peace officers; amending Chapter 462, Acts of the 45th Legislature, Regular Session, 1937; as amended (Article 1269k, Vernon's Texas Civil Statutes), by adding Section 8a; amending Article 2.12, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 462, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 1269k, Vernon's Texas Civil Statutes), is amended by adding Section 8a to read as follows:

"Section 8a. (a) A housing authority established and authorized to transact business in a city having a population of more than 750,000 and less than 1,200,000, according to the last preceding federal census, may employ housing security officers for the purpose of maintaining the safety and security of its housing projects.

"(b) The housing authority may commission as a peace officer a security officer who is qualified for appointment as a peace officer under Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes). A peace officer commissioned under this section has the powers, duties, privileges, and immunities of a peace officer, but only while on property owned or controlled by the housing authority or otherwise actually performing his official duties as a peace officer for the housing authority."

Sec. 2. Article 2.12, Code of Criminal Procedure, 1965, as amended, is amended to read as follows:

"Article 2.12 Who are peace officers

"The following are peace officers:

"(1) sheriffs and their deputies;

"(2) constables and deputy constables;

"(3) marshals or police officers of an incorporated city, town, or village;

"(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

"(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

"(6) law enforcement agents of the Alcoholic Beverage Commission;

"(7) each member of an arson investigating unit of a city, county or the state;

"(8) any private person specially appointed to execute criminal process;

"(9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute;

"(10) officers commissioned by the Board of Control;

"(11) law enforcement officers commissioned by the Parks and Wildlife Commission;

"(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state that operates an airport served by a Civil Aeronautics Board certificated air carrier; [and]

“(13) municipal park and recreational patrolmen and security officers; and
“(14) housing security officers commissioned as peace officers by any housing authority empowered to commission peace officers. Security officers commissioned under Subsection (14) are not eligible for benefits authorized by Chapter 16, Acts of the 62nd Legislature, 1971, as amended.”

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House concurred in Senate amendments to H.C.R. 186 by a non record vote.

All necessary rules suspended, and the conference committee report on Senate Bill No. 157 adopted by a non record vote.

S.C.R. 116, In memory of Governor Coke R. Stevenson.

H.C.R. 193, Instructing the Chief Clerk of the House of Representatives to correct an error in House Bill 2141 resulting from a typographical omission in the Conference Committee Report.

H.C.R. 189, Congratulating and commending Orea Guffin on occasion of her retirement from Texas Legislative Council.

S.C.R. 117, Honoring A. J. Foyt for his 4th victory in Indianapolis 500.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 31 ON SECOND READING

Senator Moore moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended to place on its second reading:

H.C.R. 31, Memorializing Congress to propose Constitutional amendment to require U.S. to have balanced budget.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Mauzy, Parker, Patman, Schwartz, Truan.

The President then laid the resolution before the Senate on its second reading.

Senator Patman requested a full reading of the resolution.

The resolution was read second time.

Senator Patman offered the following amendment to the resolution:

Amend **H.C.R. 31** by striking all resolving clauses following the first resolving clause.

The amendment was read.

On motion of Senator Moore, the amendment was tabled by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Mauzy, Parker, Patman, Schwartz, Truan.

Question - Shall the resolution be adopted?

SENATE BILL 945 WITH HOUSE AMENDMENT

Senator Sherman called **S.B. 945** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 945** by amending Section 2 to read as follows:

"Sec. 2. Article 5, Subchapter III, The Texas Banking Code of 1943, as amended (Article 342-305, Vernon's Texas Civil Statutes), is amended by amending Sections B, C and D and by adding Section E to read as follows:

"B. Applicants desiring to incorporate a State bank shall file with the Banking Commissioner an application for charter, the proposed Articles of Association, a list of shareholders, and a written list of information as may tend to establish the above conditions of incorporation, all upon official forms prepared and prescribed by the Commissioner. All persons subscribing to the capital stock of the proposed bank shall sign and verify under oath a statement of such stock subscribed,

and which statement shall truly report the number of shares and the amount to be paid in consideration; the names, identity, title and address of any other persons who will be beneficial owners of such stock or otherwise share an interest or ownership in said stock, or who will pay any portion of the consideration; whether said stock is to be pledged as security for any loan; whether a loan has been committed or is intended for the subscription and purchase of said stock, and if so, the name and address of such person or corporation which is intended to loan funds for said purchase; the names of any cosigners, guarantors, partners or other persons liable for the repayment of any loan financing the purchase of such stock. Provided, however, that the verified statement of subscribers to stock shall be confidential and privileged from public disclosure prior to the final determination by the Board of the application for a charter, unless the Board shall find that public disclosure prior to public hearing and final determination of the charter application is necessary to a full development of the factual record. Subject to the above qualification, the list of incorporators and proposed officers and directors who support the application for a charter shall be available to public inspection.

"C. ~~[Upon the filing of said application the Commissioner may meet and confer with any applicants for charter, examine data submitted in support of the application, and request such further information and data as may be pertinent and necessary.]~~ The Commissioner shall require deposit of such charter fees as are required by law and shall proceed to conduct a thorough investigation of the application, the applicants and their personnel, and the charter conditions alleged. The actual expense of such investigation and report shall be paid by the applicants, and the Commissioner may require a deposit in an estimated amount, the balance to be paid in full prior to hearing of the application. ~~[Upon the conclusion of the investigation, and based upon the written report of such investigation, the Commissioner shall make his findings and report such findings, together with the investigation report, to the State Banking Board. [The] A written report of the investigation [and the findings of the Commissioner] shall [also] be furnished to the State Banking Board and shall be made available to all interested parties at their request[— provided that all sources of information contained in the investigation report shall be considered confidential and shall be privileged communications].~~

"D. Upon filing of the application, ~~[completion of the investigation and findings]~~ the Commissioner shall promptly set the time and place for public hearing of the application for charter, giving the applicants and such other banks in the same trade area reasonable notice thereof. After full and public hearing the Board shall vote and determine whether the necessary conditions set out in Section A [Paragraph 1] above have been established. Should the Board, or a majority of the Board, determine all of the said conditions affirmatively, then the application shall be approved; if not, then the application shall be denied. If approved, and when the Commissioner receives satisfactory evidence that the capital has been paid in full in cash, the Commissioner shall deliver to the incorporators a certified copy of the Articles of Association, and the bank shall come into corporate existence. Provided, however, that the State Banking Board may make its approval of any application conditional, and in such event shall set out such condition in the resolution granting the charter, and the Commissioner shall not deliver the certified copy of the Articles of Association until such condition has been met, after which the Commissioner shall in writing inform the State Banking Board as to compliance with such condition and delivery of the Articles of Association.

"E. The provisions of the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) governing contested cases do not apply to charter applications filed for the purpose of assuming the assets and liabilities of any bank deemed by the Commissioner to be in an unsafe condition."

Committee Amendment No. 2

Amend the purpose clause to read as follows:

relating to the procedure for incorporating a state bank; amending Article 4, Amending Sections B, C and D of, and adding Section E to, Article 5, Subchapter III, The Texas Banking Code of 1943, as amended (Article 342-101, et seq., Vernon's Texas Civil Statutes).

The amendments were read.

Senator Sherman moved to concur in the House amendments.

The motion prevailed.

RECORD OF VOTE

Senator Meier asked to be recorded as voting "Nay" on the motion to concur in the House amendments.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House concurred in Senate amendments to **H.B. No. 443** by a non record vote.

The House refused to adopt the conference committee report on **S.B. 1226** by a non record vote and requests the appointment of a new Senate Committee. House Conferees: Grant: Chairman, Untemeyer, Allred, Looney and Kubiak.

All necessary rules suspended, and the conference committee report on **S.B. No. 788** adopted by a non record vote.

H.B. 1036, Related to the disposition of funds from the collection of vehicle license fees by counties in the State of Texas; amending Section 10, Acts 1929, 41st Legislature, 2nd C.S., p. 172 Ch. 88, as amended (Article 6675a-10 Vernon's Texas Civil Statutes)...

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1319 WITH HOUSE AMENDMENT

Senator Sherman called **S.B. 1319** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 1319** by changing the period to a comma on line 13, page 1 and inserting thereafter the following:

more particularly described by metes and bounds as follows:

DESCRIPTION OF TRACT NO. 1,
OUT OF SECTION NO. 32,
BLOCK B-5, H&GN RR CO. SURVEY, RANDALL
COUNTY, TEXAS

BEGINNING at the Southwest corner of Section No. 32, Block B-5, H&GN RR Co. Survey, Randall County, Texas;

THENCE East along the South line of said Section No. 32, 2920 feet to a point;

THENCE North 49 feet to a point in the North R.O.W. line of Hwy. Spur No. 48 and also in the West R.O.W. line of New Access Road to F.M. Road No. 3331, the Beginning Point of this tract;

THENCE North along said West R.O.W., 891 feet to a chain link fence to the West;

THENCE West and along said chain link fence, 1935 feet to the East R.O.W. line of the Santa Fe Railroad to a point;

THENCE Northeasterly along the curved RR R.O.W., 1600 feet to the Southwest corner of a 10 acre tract owned by James P. Cornette;

THENCE East along the South line of said 10 acre tract, 820 feet to an iron rod;

THENCE North 150 feet to an iron rod;

THENCE East 173.33 feet to an iron rod;

THENCE North 328.61 feet to an iron rod, the Northeast corner of aforesaid 10 acre tract;

THENCE East 45 feet to a point on the West R.O.W. line of aforesaid Access Road;

THENCE South 2550 feet to the Beginning Point of this tract, and containing 40 acres, more or less.

DESCRIPTION OF TRACT NO. 2,
OUT OF SECTION NO. 32,
BLOCK B-5, H&GN RR CO. SURVEY, RANDALL
COUNTY, TEXAS

BEGINNING at a point in the North line of a 9.8 acre tract as described in Volume 116, page 496 of the Deed Records of Randall County, Texas, and in the East R.O.W. line of Access Road to F.M. 3331;

THENCE East 700 feet to the Northeast corner of said 9.8 acre tract;

THENCE South 2725 feet to the North R.O.W. line of Hwy. Spur No. 48;

THENCE Northwesterly along said North R.O.W. line, 735 feet to the East R.O.W. line of aforesaid Access Road;

THENCE North along said East R.O.W. line, 2560 feet to the Beginning, and containing 60 acres, more or less.

The amendment was read.

Senator Sherman moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 684 WITH HOUSE AMENDMENTS

Senator Brooks called **S.B. 684** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 684:

A BILL TO BE ENTITLED

AN ACT

relating to the sale of utility systems owned by certain cities: amending Article 1112, Revised Civil Statutes of Texas, 1925, as amended, and Section 2, Chapter 314, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 1118a, Vernon's Texas Civil Statutes).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 1112, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 1112. Vote, etc.

"Section 1. Except as provided in Section 2 of this article, no ~~[No]~~ such light, water, sewer or natural gas systems, parks and/or swimming pools, shall be sold without authorization by a majority vote of the qualified voters of such city or town; nor shall same be encumbered for more than Ten Thousand Dollars (\$10,000) unless authorized in like manner, except for money for acquisitions, extensions, construction, improvement, or repair of such systems and facilities, or to refund any existing indebtedness lawfully created for such purposes. Such vote to sell or encumber such systems or facilities shall be ascertained at an election, which shall be held in accordance with the laws applicable to the issuance of municipal bonds by such cities and towns. The encumbrances authorized herein shall be applicable only to bonds payable from revenues derived from said system.

"Section 2. A city with a population of more than 1,200,000, according to the last preceding federal census, may sell an unencumbered light, water, sewer, or natural gas system owned by it without an election as required by Section 1 of this article."

Sec. 2. Section 2, Chapter 314, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 1118a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. (a) Except as provided in Subsection (b) of this section, no ~~[No]~~ such system or systems shall ever be sold until such sale is authorized by a majority vote of the qualified voters of such city; nor shall same be encumbered for more than Five Thousand (\$5,000.00) Dollars except for purchase money or to refund any existing indebtedness or for repair or reconstruction, unless authorized in like manner. Such vote where required shall be ascertained at an election of which notice shall be given in like manner as and which shall be held in like manner as in the cases of the issuance of municipal bonds by such city.

"(b) A city with a population of more than 1,200,000, according to the last preceding federal census, may sell an unencumbered light, water, sewer, or natural gas system owned by it without an election as required by Subsection (a) of this section."

Sec. 3. The importance of this legislation and the crowded conditions of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend quoted Section 2 of Section 1 of **C.S.S.B. 684** by striking the phrase "light, water, sewer, or" at line 3 on page 2.

Amend quoted Section 2 of Section 2 of **C.S.S.B. 684** by striking the phrase "light, water, sewer, or" at line 20 on page 2.

The amendments were read.

Senator Brooks moved to concur in the House amendments.

The motion prevailed.

HOUSE CONCURRENT RESOLUTION 193 ON SECOND READING

The President laid before the Senate on its second reading the following resolution:

H.C.R. 193, Instructing Chief Clerk of the House of Representatives to correct an error in the Conference Committee Report on **H.B. 2141**.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 758 WITH HOUSE AMENDMENTS

Senator Brooks called **S.B. 758** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend S.B. No. 758 by striking the paragraph which begins on line 23 of page 1 and ends on line 7 of page 2 and inserting in lieu thereof the following:

"Section 106.37. Student Center Fees. (a) The board may levy and collect a student fee not to exceed \$15 per student for each semester of the long session and not to exceed \$7.50 per student for each term of the summer session, as may in its discretion be necessary and desirable for the purpose of operating, maintaining, and improving the student center and acquiring or constructing additions to the student center. Provided, however, that a student center fee shall be levied only after a student referenda has been called on the issue of an increase in the fee, within the prescribed limits of this section, and that the issue of an increase has been approved by a majority of the students voting in the election. Provided, further, that in its levy

and assessment of such fee, the board shall adopt a proportionate fee schedule which takes into consideration the number of semester credit hours for which a student registers."

Floor Amendment No. 1

Amend S.B. No. 758 by striking all below the enacting clause and substituting the following:

Section 1. Subchapter C, Chapter 106, Texas Education Code, as amended, is amended by amending Section 106.35 to read as follows:

"Section 106.35. Acquisition and Disposition of Land. (a) The board on behalf of the university may acquire by purchase, exchange, or otherwise any tract or parcel of land in Harris County that is contiguous or adjacent to the campus of the university when the board deems the land necessary for campus expansion, and may sell, exchange, or lease one or more of the following tracts of land:

"(1) Tract No. 1

"All that certain lot, tract or parcel of land lying, situated and being in the City of Houston, Harris County, Texas:

"Parts of Lots Six (6) and Seven (7) in Block Sixty-three (63), Riverside Terrace, Seventeenth Section, an addition to the City of Houston, Harris County, Texas, according to plat thereof recorded in Volume 16, page 26 of the Map Records of Harris County, Texas, said property being more particularly described as follows, to-wit:

"BEGINNING at a stake in the south line of Roseneath Drive, the same being the front line of Lot Six (6) in Block Sixty-three (63), Riverside Terrace, Seventeenth Section, located in a westerly direction a distance of sixty-four (64) feet measured along the front line of said Lot Six (6) from the northeast corner of Lot 6;

"THENCE in an easterly direction along the front lines of Lots six (6) and Seven (7) in Block 63 with a curve the radius of which is 424.97 feet, a distance of 87 feet to stake for corner in the front line of said Lot Seven (7) located in an easterly direction a distance of Twenty-three (23) feet from the northwest corner of said Lot Seven (7);

"THENCE in a southerly direction a distance of 211.82 feet to a stake in the rear line of Lot Seven (7) located in an easterly direction measured along the rear line of said Lot 7, a distance of 41.37 feet from the southwest corner of said lot;

"THENCE in a southwesterly direction along the rear lines of Lots six (6) and seven (7) with a curve, the radius of which is 513.5 feet, a distance of 120.43 feet, to stake for corner in the rear line of said Lot six (6), located in an easterly direction measured along the rear line of said Lot six (6), a distance of 69.88 feet from the southwest corner of said Lot 6;

"THENCE in a northerly direction, a distance of 224.08 feet to the Place of Beginning, and being the same property conveyed to Oscar M. Pearce by McGregor Drive Development Company by deed dated January 28, 1946 recorded in Volume 1427, page 417 of the Deed Records of Harris County, Texas, to which reference is hereby made for all purposes.

"(2) Tract No. 2

"Two tracts composed of all of Lot 8 in Block 78 of Riverside Terrace, 17th Section, as per map or plat recorded in Volume 16, Page 26 Harris County Map Records, described as follows:

"Tract 1: A strip 20 feet wide in front and 5 ft. wide in the rear, off of the east side of said Lot 8, as described in Deed filed in Harris County Clerk's File #535740; and,

"Tract 2: The westerly part of Lot 8 in Block 78 of Riverside Terrace, 17th Section and being a tract 80 ft. wide in front and 60 ft. wide in rear, described in Deed under Harris County Clerk's File No. 535740; and,

"Tract 3: 16,019 sq. ft. known as Lot 9 in Block 78 of Riverside Terrace 17th Section, lying partly in 24.073 acre tract deeded to McGregor Drive Development Company in Vol. 667, Page 362 Deed Records and partly in 17 ac. tr. deeded to D. L. Anderson in Vol. 1045, Page 716 Deed Records, all out of Lots 9 and 16 of the west 1/2 of the Luke Moore Survey; tract hereby conveyed being described as follows: BEGINNING at iron stake on west property line of St. Bernard Street, in southerly direction a distance of 212.95 ft. from the southeast corner of Lot 12 in Block 64 of Riverside Terrace 12th Section and said distance being measured along arc of curve whose radius is 532.07 ft.; THENCE continuing in southerly direction along the west line of St. Bernard Street, with curve to right whose radius is 532.07 ft., a distance of 160.35 feet to the end of said curve; THENCE south 19 deg. 54' west, continuing along the west line of St. Bernard Street, 25.96 ft. to iron stake for corner; THENCE south 70 deg. 52' west, a distance of 60 feet to iron stake for corner; THENCE east with curve to right whose radius is 2,017.05 feet a distance of 95.24 feet to the end of said curve; THENCE north 74 deg. 36' E a distance of 24.76 feet to the beginning. Recorded in Map Records Volume 16, page 26 of Harris County, Texas, and in Deed Records of Harris County, Volume 1125, Page 11, and subject to restrictions, reservations and easements of records in Harris County Deed Records.

"(3) Tract No. 3

"Tract and parcel of real property located and situated in Hearne, Robertson County, Texas, and being described as follows:

"Being Lots Numbered Six (6), Seven (7) and Eight (8) in Block Numbered Four Hundred Twenty One (421) in the City of Hearne, Texas, according to the Map of the said City as the same appears on record in Vol. 1, page 5 of the Map Records of Robertson County, Texas, together with all improvements located and situated thereon, the same being a tract of land 75 feet in width fronting on Second Street and 115 feet in depth, reference being made to the said Map for all purposes.

"(b) The proceeds from any sale or lease of land or other real property shall be added to the general funds of the university."

Sec. 2. Subchapter C, Chapter 106, Texas Education Code, as amended, is amended by adding Section 106.37 to read as follows:

"Section 106.37. Student Center Fees. (a) The board may levy and collect a student fee not to exceed \$15 per student for each semester of the long session and not to exceed \$7.50 per student for each term of the summer session, as may in its discretion be necessary and desirable for the purpose of operating, maintaining, and improving the student center and acquiring or constructing additions to the student center. Provided, however, that a student center fee shall be levied only after a student referenda has been called on the issue of an increase in the fee, within the prescribed limits of this section, and that the issue of an increase has been approved by a majority of the students voting in the election. Provided, further, that in its levy and assessment of such fee, the board shall adopt a proportionate fee schedule which takes into consideration the number of semester credit hours for which a student registers.

"(b) All fees collected pursuant to Subsection (a) hereof shall be reserved and accounted for in an account or accounts kept separate and apart from educational and general funds of the university. The fees collected shall be placed in a depository bank or banks designated by the board and shall be secured by law.

"(c) Expenditures from the accounts provided for in Subsection (b) of this section shall be limited to those purposes specified in Subsection (a) of this section and pursuant to a budget approved by the board.

“(d) The fee authorized to be collected pursuant to Subsection (a) of this section shall be in addition to any other fees or charges heretofore authorized by law.”

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendments were read.

Senator Brooks moved to concur in the House amendments.

The motion prevailed.

HOUSE CONCURRENT RESOLUTION 31 ON SECOND READING

The Senate resumed consideration of **H.C.R. 31** on its second reading and adoption.

Question - Shall the resolution be adopted?

Senator Patman offered the following amendment to the resolution:

Amend **H.C.R. 31** by striking all references to requesting that Congress call a constitutional convention.

The amendment was read.

On motion of Senator Moore, the amendment was tabled by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Mauzy, Parker, Patman, Schwartz, Truan.

The resolution was adopted by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Mauzy, Parker, Patman, Schwartz, Truan.

MOTION TO PLACE HOUSE BILL 1367 ON SECOND READING

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

H.B. 1367, Relating to the sale or exchange of certain property by the Texas Board of Corrections.

Senator Doggett raised the Point of Order that, in violation of Senate Rule 105, he was not given proper notice of the committee hearing on the bill.

The President announced he would take the Point of Order under advisement.

Question - Shall the Point of Order be sustained?

SENATE BILL 416 WITH HOUSE AMENDMENT

Senator Mengden called **S.B. 416** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 416**, page 1, line 15 by deleting the period and adding after the word "abortion" the following:

"unless a physician determines that the life of the mother is immediately endangered."

The amendment was read.

Senator Mengden moved to concur in the House amendment.

The motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 788 ADOPTED

Senator Doggett called from the President's table the Conference Committee Report on **S.B. 788**. (The Conference Committee Report having been filed with the Senate and read on today.)

On motion of Senator Doggett, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1367 ON SECOND READING

The Senate resumed consideration of **H.B. 1367** with a ruling on the Point of Order pending.

Question - Shall the Point of Order be sustained?

The President overruled the Point of Order.

Senator Moore moved that Senate Rules 12, 68 and 73 be suspended to place on its second reading and passage to third reading:

H.B. 1367, Relating to the sale or exchange of certain property by the Texas Board of Corrections.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Parker, Patman, Schwartz, Truan.

Absent: Farabee.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Question - Shall the bill be passed to third reading?

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1226

Senator Sherman called from the President's table the Conference Committee Report on **S.B. 1226**. (The Conference Committee Report having been filed with the Senate and read on Saturday, May 28, 1977.)

On motion of Senator Sherman and by unanimous consent, the Conference Committee on **S.B. 1226** was discharged.

On motion of Senator Sherman and by unanimous consent, the Conference Committee Report was rejected and a new Conference Committee was appointed.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Sherman, Schwartz, Farabee, Adams and Meier.

HOUSE BILL 1367 ON SECOND READING

The Senate resumed consideration of **H.B. 1367** on its second reading and passage to third reading.

Question - Shall the bill be passed to third reading?

The bill was passed to third reading by the following vote: Yeas 24, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Doggett, Farabee, Parker, Patman, Schwartz, Truan.

MOTION TO PLACE HOUSE BILL 1367 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1367** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 22, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Doggett, Farabee, Jones of Harris, Mauzy, Parker, Patman, Schwartz, Truan.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 747 ADOPTED

Senator Mauzy called from the President's table the Conference Committee Report on **S.B. 747**. (The Conference Committee Report having been filed with the Senate and read on today.)

On motion of Senator Mauzy, the Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT SENATE BILL 60

Senator Brooks submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 60 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BROOKS
JONES OF HARRIS
SHERMAN
LOMBARDINO
HANCE
On the part of the Senate

LELAND
LANEY
OLSON
RIBAK
On the part of the House

CONFERENCE COMMITTEE REPORT

S.B. No. 60

A BILL TO BE ENTITLED
AN ACT

relating to granting authority to the Coordinating Board, Texas College and University System, to contract with teaching hospitals for certain purposes; making conforming amendments as to funding; amending Chapter 61, Texas Education Code, as amended, by adding Subchapter J; amending Sections 73.057, 74.154, and 110.09, Texas Education Code; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 61, Texas Education Code, as amended, is amended by adding Subchapter J to read as follows:

"SUBCHAPTER J. CONTRACTS WITH TEACHING HOSPITALS

"Section 61.551. Definitions. (a) As used in this subchapter, 'teaching hospital' means: Parkland Memorial Hospital, the primary teaching hospital in the Dallas County Hospital District serving the University of Texas Health Science Center at Dallas; Hermann Hospital, the primary teaching hospital in Harris County serving the University of Texas Health Science Center at Houston; Bexar County Hospital and Robert B. Green Hospital, the primary teaching hospitals in the Bexar County Hospital District serving the University of Texas Health Science Center at San Antonio; Health Sciences Center Hospital, the primary teaching hospital in the Lubbock County Hospital District serving the Texas Tech University School of Medicine; Ben Taub Hospital and Jefferson Davis Hospital, the primary teaching hospitals in the Harris County Hospital District serving the Baylor College of Medicine; Fort Worth Osteopathic Hospital, the primary teaching hospital in Tarrant County serving the Texas College of Osteopathic Medicine; Northwest Texas Hospital, St. Anthony Hospital, and High Plains Baptist Hospital, the primary teaching hospitals in Amarillo serving the Texas Tech University School of Medicine; the R. E. Thomason Hospital, a primary teaching hospital in the El Paso County Hospital District, also serving the Texas Tech University School of Medicine; and any teaching hospital that may be recommended to be a primary teaching hospital to any medical school by the Coordinating Board, Texas College and University System, and created by the Texas Legislature in the future.

"(b) As used in this subchapter, 'teaching costs' means those total amounts attributable to any and all expenditures by a primary teaching hospital that relate, directly or indirectly, to the education, training, development, and preparation of students for a medical career and shall include costs of program initiation as well as individual needs of each such primary teaching hospital as such needs relate to teaching costs.

"Section 61.552. Contracts. The board may contract with a teaching hospital to compensate such hospital for such teaching costs as defined herein.

"Section 61.553. Rules and Regulations. The board shall adopt rules and regulations to carry out the provisions of this subchapter including requiring prior consultation on the annual budget and a post audit of expenditures of a teaching hospital with which it has contracted in a manner acceptable to the state auditor.

"Section 61.554. Disbursements. (a) Pursuant to a contract, the board may disburse to a teaching hospital during the state's fiscal year an amount not to exceed the teaching cost of the hospital's entire budget.

"(b) The board may establish by contract the method of disbursement.

"(c) No teaching hospital accepting disbursements under the provisions of this Act may reduce local participation by lowering the tax rate or level of property evaluation."

"Section 61.555. Bidding and Contracting Procedures: Each teaching hospital, its board or the Coordinating Board shall in purchasing supplies, material or equipment or in contracting for management or management consulting services give preference to supplies, material, equipment or management firms produced or domiciled in Texas, the cost to the teaching hospital being equal."

Sec. 2. Sections 73.057, 74.154, and 110.09, Texas Education Code, are amended to read as follows:

"Section 73.057. Teaching Hospital. A complete teaching hospital for the school shall be furnished at no cost or expense to the state, and the state may not ~~shall never~~ contribute any funds for the construction, maintenance, or operation of a teaching hospital for the school except as the Coordinating Board, Texas College and University System, may contract with the teaching hospital as provided in Subchapter J, Chapter 61, of this code."

"Section 74.154. Teaching Hospital. A teaching hospital deemed suitable by the board shall be provided by the city or county within one mile of the campus of the medical school. It shall be maintained without cost to the state except as the Coordinating Board, Texas College and University System, may contract with the teaching hospital as provided in Subchapter J, Chapter 61, of this code."

"Section 110.09. Teaching Hospital. A complete teaching hospital for the medical school shall be furnished at no cost or expense to the state. The state may not ~~never~~ contribute any funds for the construction, maintenance, or operation of a teaching hospital for the medical school except as the Coordinating Board, Texas College and University System, may contract with the teaching hospital as provided in Subchapter J, Chapter 61, of this code."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was again filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 152 AGAIN ADOPTED

Senator Meier called from the President's table the Conference Committee Report on **S.B. 152**. (The Conference Committee Report having been again filed with the Senate and read on today.)

On motion of Senator Meier, the Conference Committee Report was again adopted by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Sherman, Snelson, Traeger, Williams.

Nays: Creighton, Doggett, Farabee, Harris, Mauzy, Santiesteban, Schwartz, Truan.

Absent: Parker.

SENATE RESOLUTION 741 ON SECOND READING

The President laid before the Senate on its second reading the following resolution:

S.R. 741, Creating an interim committee to study juvenile crime.

The resolution was read.

On motion of Senator Meier and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 684 ON SECOND READING

The President laid before the Senate on its second reading the following resolution:

S.R. 684, Directing the Committee on State Affairs to study, during the interim, the desirability and feasibility of authorizing a uniform group life and health insurance plan for public school teachers and employees.

The resolution was read.

On motion of Senator Mengden and by unanimous consent, the resolution was considered immediately and was adopted.

COMMITTEE APPOINTED

Pursuant to the provisions of **H.C.R. 24**, the President announced the appointment of the following Committee to select the Poet Laureate: Senators Jones of Taylor, Snelson and Schwartz.

SENATE BILL 3 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 3** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. 3**

**A BILL TO BE ENTITLED
AN ACT**

prohibiting telecommunications utilities from charging for and the public utilities commission from approving certain charges for telephone directory assistance; adding Section 31A to the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended by adding Section 31A to read as follows:

"Section 31A. No telecommunications utility may charge and the commission shall not approve a charge by a telecommunications utility for providing telephone directory assistance (1) for numbers not listed or incorrectly listed in the current published directory of telephone numbers, (2) for long distance numbers, or (3) for any business which provides telephone service to its customers and has no control over the placing of such calls or method to charge such calls to its customers."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Doggett moved to concur in the House amendment.

Question - Shall the Senate concur in the House amendment?

**CONFERENCE COMMITTEE REPORT ON SENATE BILL 1226
ADOPTED**

Senator Sherman submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 1226** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SHERMAN
MEIER
ADAMS
SCHWARTZ
FARABEE
On the part of the Senate

GRANT
KUBIAK
ALLRED
UNTEMAYER
On the part of the House

CONFERENCE COMMITTEE REPORT

S.B. No. 1226

A BILL TO BE ENTITLED
AN ACT

relating to the accessibility and confidentiality of information held by certain governmental bodies and agencies; amending Sections 1, 8, and 14 and Subsection (a) of Section 3, and repealing Subsection (c) of Section 3 and Sections 10 and 12, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Declaration of policy. (a) Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the State of Texas that all persons are, unless otherwise expressly provided by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. To that end, the provisions of this Act shall be liberally construed with the view of carrying out the above declaration of public policy.

"(b) This Act does not limit any other right to information provided by statute, ordinance, judicial decision, court rule or order, administrative rule or regulation, or constitutional law. This Act does not make any information confidential or restrict public access to information which heretofore has been available for public inspection. Information not required to be disclosed by this Act may be made public in the discretion of the custodian of the public records unless prohibited by other law."

Sec. 2. Subsection (a), Section 3, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, with the following exceptions only:

"(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

"(2) information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act;

"(3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

"(4) information which, if released, would give advantage to competitors or bidders;

"(5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;

"(6) drafts and working papers involved in the preparation of proposed legislation;

"(7) matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure;

"(8) records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement;

"(9) private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

"(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;

"(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a private ~~[other than one]~~ in litigation with the agency;

"(12) information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act;

"(13) geological and geophysical information and data including maps concerning wells, except information filed in connection with an application or proceeding before any agency;

"(14) student records at educational institutions funded wholly, or in part, by state revenue; but such records shall be made available upon request of educational institution personnel with legitimate educational interests, the parent, legal guardian or conservator of a child student or parent of a dependent student, or the student involved if he or she is adult or attends a postsecondary educational institution ~~[the student involved, or that student's parent, legal guardian, or spouse]~~;

"(15) birth and death records, the inspection and copying of which shall be in accordance with Article 4477, Revised Civil Statutes of Texas, 1925, as amended ~~[maintained by the Bureau of Vital Statistics in the State of Texas]~~;

"(16) the audit working papers of the State Auditor."

Sec. 3. Section 8, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 8. Writ of mandamus. (a) If a governmental body refuses to request an attorney general's decision as provided in this Act, or to supply public information or information which the attorney general has determined to be a public record, the person requesting the information or the attorney general may seek a writ of mandamus compelling the governmental body to make the information available for public inspection.

"(b) The court may assess against the governmental body reasonable attorney's fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed. In exercising its discretion, the court shall consider the following criteria:

"(1) whether the governmental body's withholding of the information sought had a reasonable basis in law;

"(2) the nature of the complainant's interest in the records sought;
"(3) the commercial benefit to the complainant, other than incidental benefit
in connection with the dissemination of news to the general public;
"(4) the benefit to the public, if any, deriving from the case."

Sec. 4. Subsection (c), Section 3, and Sections 10 and 12 of Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes), are repealed.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

SENATE BILL 3 WITH HOUSE AMENDMENT

The Senate resumed consideration of **S.B. 3** with House amendment.

Question - Shall the Senate concur in the House amendment?

Senator Harris made the substitute motion that the Senate not concur in the House amendment and that a Conference Committee be appointed.

The substitute motion was lost by the following vote: Yeas 11, Nays 19.

Yeas: Aikin, Andujar, Creighton, Farabee, Harris, Jones of Taylor, Lombardino, McKnight, Meier, Moore, Snelson.

Nays: Adams, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Mauzy, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Absent: Longoria.

Questionn - Shall the Senate concur in the House amendment?

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee report on Senate Bill 152 by a record vote of 82 Ayes, 62 Noes, 1 PNV.

All necessary rules suspended, and the conference committee report on Senate Bill No. 1226 adopted by a non record vote.

All necessary rules suspended, and the conference committee report on Senate Bill No. 366 adopted by a non record vote.

All necessary rules suspended, and the conference committee report on Senate Bill 60 adopted by a record vote of 117 ayes, 22 noes, 1 present not voting.

Motion to suspend all necessary rules in order to take up and consider at this time S.C.R. No. 16 failed by non-record vote.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 1831 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, Senate Rules 12, 73, and 74 were suspended to place on its second reading and passage to third reading:

H.B. 1831, Relating to tax on certain items used in broadcasting operations by radio and television.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

HOUSE BILL 1831 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1831** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy, Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Schwartz and Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE CONCURRENT RESOLUTION 118

Senator Mauzy offered the following resolution:

S.C.R. 118, Instructing the Enrolling Clerk of the Senate to amend the caption in **S.B. 747** to conform to the body of the bill.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

RECESS

On motion of Senator Aikin the Senate at 5:06 o'clock p.m. took recess until 7:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 7:00 o'clock p.m. and was called to order by the President.

AT EASE

The President announced the Senate would stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 7:43 o'clock p.m.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. No. 118, To amend the caption of Senate Bill 747, to conform to the body of the bill.

H.C.R. No. 195, Instructing the Chief Clerk of the House of Representatives to make certain corrections in House Bill No. 443.

All necessary rules suspended, and the conference committee report on Senate Bill No. 143 adopted by a non record vote.

S.C.R. 85, Granting Robert Kuzman permission to sue the State of Texas and the Board of Regents of the University of Texas System.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 823

Senator Adams offered the following resolution:

WHEREAS, Mrs. Sue Snelson, charming hostess, efficient presiding officer, and lovely wife of the distinguished senator from Midland, The Honorable Pete Snelson, has led the Senate Ladies' Club through one of the group's most successful periods of accomplishment during her tenure as club president; and

WHEREAS, Sue Snelson is one of the most popular and attractive Senate ladies, attributable in large measure to the vital interest in everything around her; and

WHEREAS, As the devoted mother of four fine children; Gene, Sandra, Steven, and Shane, Sue Snelson maintains a busy home in Midland, fulfilling the demands of an always crowded schedule of civic and social activities; and

WHEREAS, Sue Snelson is a dedicated leader in her community, serving as Vice-President of the Six S Corporation, Chairman of the Salvation Army Board, and a tireless worker and leader in her church, as well as a noted world traveler and a cultured, educated lady concerned with the affairs of the day and the opportunities for service to her fellowman; and

WHEREAS, It is appropriate that the Senate of the 65th Texas Legislature recognize Mrs. Sue Snelson for her distinguished service and leadership, and for representing the official Senate family with poise, distinction, and exceptional ability; now, therefore, be it

RESOLVED, That the Senate of the 65th Texas Legislature express deepest appreciation to Mrs. Sue Snelson for her service to this chamber as the President of the Senate Ladies' Club; and be it further

RESOLVED, That an official copy of this Resolution be presented to Mrs. Snelson as an expression of gratitude from the Senate of Texas for the outstanding work and service of a gracious, charming, and lovely lady.

The resolution was read and was adopted.

SENATE RESOLUTION 824

Senator Adams offered the following resolution:

WHEREAS, It is with greatest pleasure that the thirty-one members of the Texas Senate pause to pay well deserved tribute and honor to a distinguished gentleman and outstanding public servant who has provided treasured friendship, principled leadership, and a rare devotion to duty as our President during the 65th Session of the Texas Legislature; and

WHEREAS, The Honorable William P. Hobby, Lieutenant Governor of Texas, statesman, scholar, and cultured and learned gentleman, has guided the upper chamber of the Legislature with an open honesty indicative of his character and political principles; and

WHEREAS, It has indeed been a sincere pleasure and honor for each member of the Senate to have served under the leadership of Bill Hobby and a delightful experience to share the friendship of the Lieutenant Governor and his charming lady, Diana; and

WHEREAS, As Texas moves toward a new generation of challenging times marked by a looming spector of difficult demands which are sure to test the abilities of all Texans, it is a secure feeling to march toward our destiny behind a man who enjoys the trust and esteem of millions of his fellow Texans; and

WHEREAS, The decisiveness, compassion, and understanding guidance of Bill Hobby has created a new climate for government in Texas, marked by a faith in the ability to meet and deal with the issues which confront the political leadership of Texas; and

WHEREAS, The success of the 65th Legislature is due in no small measure to the dedicated leadership of Bill Hobby; now, therefore, be it

RESOLVED, By the Senate of the State of Texas, 65th Legislature, that the President of the Senate be hereby officially recognized and commended for his devotion to duty and his principled leadership of the Senate; and, be it further

RESOLVED, That this Resolution be presented to Lieutenant Governor William P. Hobby as an expression of the affection, support, and gratitude of the thirty-one members of the Senate for a job performed with the highest measure of excellence and his unmatched leadership and service to the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 825

Senator Adams offered the following resolution:

WHEREAS, The orderly and efficient administration of the business of the Texas Senate is due in large part to the chief administrative officer of the upper chamber and her diligent, responsible, and conscientious attention to the duties of public service; and

WHEREAS, The members of the Texas Senate are most honored and pleased to note the outstanding work of one of the most important and vital non-elected public officials in Texas state government; and

WHEREAS, After many years of faithful service to the Senate in an elected staff position, Mrs. Betty King was promoted to Secretary of the Texas Senate on January 11, 1977, assuming one of the most difficult and challenging positions of governmental service; and

WHEREAS, Throughout the 65th Session, Mrs. King's performance and attention to her duties have served to sustain and enhance the trust placed in her by the members of the Senate; and

WHEREAS, Betty King, active mother, civic and social leader, beloved wife, and diligent public servant has managed her duties to her state, her husband, Bill, and daughter, Kevin Ann, with an unmatched compassion, excellence, and devotion most rare; and

WHEREAS, As Secretary of the Senate, Betty King has endeared herself to all the employees of the Senate as a fair and principled leader and administrator and continues to enjoy the trust and respect of all members of the governmental community; and

WHEREAS, Each member of the 65th Texas Senate reveres this fine lady as a friend, gracious representative of the dignity and decorum of the Senate, and a trusted and faithful "mother" of the Senate family; now, therefore, be it

RESOLVED, By the Senate of the 65th Legislature, that Mrs. Betty King, Secretary of the Senate, be hereby congratulated for her outstanding work as chief administrative and elected officer of the Senate; and, be it further

RESOLVED, That an official copy of this Resolution be presented to Mrs. King as an expression of the continued trust, faith, support, and gratitude of each

member of the Senate for a lovely and gracious lady and one of the finest public servants to have ever served the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 826

Senator Adams offered the following resolution:

WHEREAS, It is a tradition and desire of the Texas Senate to note and commend outstanding public service to the people of Texas; and

WHEREAS, Mr. Don Rives has distinguished himself as a fine gentleman, dedicated public servant, and friend of the Senate through his service as Executive Assistant to the President of the 65th Texas Senate, The Honorable Bill Hobby, Lieutenant Governor of Texas; and

WHEREAS, Don and his gracious and lovely wife, Pat, are known and respected by each and every member of the Senate as dedicated and responsible civic and social leaders, and as selfless citizens of untiring devotion to their home and all of the people of the great State of Texas; now, therefore, be it

RESOLVED, That the members of the 65th Texas Senate hereby extend most sincere congratulations and appreciation to Mr. Don Rives for his dedicated service as Executive Assistant to the Lieutenant Governor during this session and to all the devoted and conscientious members of Lieutenant Governor's staff who have contributed much to leadership and success of the 65th Texas Legislature.

The resolution was read and was adopted.

SENATE RESOLUTION 827

Senator Adams offered the following resolution:

WHEREAS, One of the most vital and indispensable members of the Senate Staff is the gracious lady who provides the technical direction to the parliamentary proceedings of the Senate; and

WHEREAS, The Parliamentarian for the Texas Senate during the 65th Legislature has distinguished herself as a lady of fairness and honesty beyond reproach; and

WHEREAS, The devoted professionalism of Mrs. Camilla Borde has been a guiding force in the efficient operation of the Senate during the 65th Session; and

WHEREAS, Camilla Borde's counsel and legislative assistance have forever won her the personal friendship and respect and admiration of each member of the Senate; now, therefore, be it

RESOLVED, That the Senate of the 65th Texas Legislature officially express most sincere appreciation to Mrs. Camilla Borde for the fair and capable manner in which she has served the chamber as Senate Parliamentarian; and be it further

RESOLVED, That an official copy of this Resolution be prepared for Mrs. Borde as a token of the admiration and esteem in which she is held by the members of the Senate.

The resolution was read and was adopted.

SENATE RESOLUTION 828

Senator Adams offered the following resolution:

WHEREAS, One of the most demanding and pressing positions of the legislative service is that of the office of the Secretary of the Senate; and

WHEREAS, Mrs. Betty King has been faithfully assisted in the responsible discharge of her duties by two of the most lovely and capable assistants, Mrs. Peggy Brinkman and Mrs. Kay Hughes; and

WHEREAS, These two charming ladies have been irreplaceable in their tireless efforts in assisting Mrs. King and have gone above and beyond the call of duty in their efforts to watch over the operations of the Secretary of the Senate's office and in assistance to each of the thirty-one senators and their staffs; and

WHEREAS, The Senate of the State of Texas, wishing to show their appreciation for their cheerful execution of duty; now, therefore be it

RESOLVED, That the Senate of the 65th Legislature of Texas hereby officially commend Mrs. Brinkman and Mrs. Hughes for the fine work they have done for the good of the whole Senate; and be it further

RESOLVED, That an official copy of the Resolution be presented to Mrs. Brinkman and Mrs. Hughes as an expression of the most sincere gratitude and appreciation for outstanding public service to the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 829

Senator Adams offered the following resolution:

WHEREAS, The responsibility to take care that the will of the people's elected representatives is accurately and honestly translated into the sanctity of the law is one of the most critical and hallowed duties of a governmental body; and

WHEREAS, This responsibility is reposed in the official duties of the Senate Enrolling and Engrossing Clerk; and

WHEREAS, Mrs. Patsy Spaw has completed her first session as Senate Enrolling and Engrossing Clerk; and

WHEREAS, Mrs. Spaw's work as the elected Senate Enrolling and Engrossing Clerk has been most distinguished and represented by a precision and attention to exacting detail which is found in very few individuals; and

WHEREAS, Mrs. Spaw and her assistants; Mary Arnold, Bob Pegues, and Ione Stumberg, have discharged the duties of the office with highest regard for professional standards and principles; and

WHEREAS, The Senate is most fortunate to have the services of such capable and honest employees; now, therefore, be it

RESOLVED, By the Senate of the 65th Texas Legislature, that Mrs. Patsy Spaw and her entire office be hereby commended and congratulated for the excellent service which they have rendered to the Senate and the people of Texas during the 65th Session; and be it further

RESOLVED, That an official copy of this Resolution be prepared for Mrs. Patsy Spaw as a token of the respect, esteem, and appreciation for a fine job of public service to the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 830

Senator Adams offered the following resolution:

WHEREAS, One of the highest responsibilities of a deliberative, democratic body is the necessity to conduct the people's business in an open, dignified, and secure atmosphere where principles prevail over ideals and laws over men; and

WHEREAS, The orderly conduct of the business of the people of Texas has been protected and ensured by the highest professional standards and performance of one of the Senate's chief elected officers, Mr. Tommy Townsend, Sergeant-at-Arms; and

WHEREAS, Mr. Townsend's duties have greatly expanded to include a major and significant administrative role including the trust of the property and facilities of the Texas Senate; and

WHEREAS, Mr. Townsend continues to discharge his duties and responsibilities to the Senate and the people of Texas in a manner seldom seen and with dedication and devotion distinctly rare in an individual; and

WHEREAS, It is indeed a pleasure and privilege to each member of the Senate to know Tommy Townsend as a friend and trusted officer of this chamber; now, therefore, be it

RESOLVED, By the 65th Texas Senate, that Mr. Tommy Townsend, Sergeant-at-Arms of the Texas Senate, loyal and trusted friend and principled public servant, be hereby commended for a difficult job well done, and be it further

RESOLVED, That an official copy of this Resolution be presented to Mr. Townsend as a token of the appreciation, affection, and respect of the members of the Senate to a fine gentleman and distinguished officer of the Senate.

The resolution was read and was adopted.

SENATE RESOLUTION 831

Senator Adams offered the following resolution:

WHEREAS, Mrs. Margrette Vollers has just completed her first session as Senate Journal Clerk after many years of distinguished service as Assistant Senate Journal Clerk; and

WHEREAS, Mrs. Vollers has performed her duties with the highest standards of professional conduct and devotion to public duty; and

WHEREAS, The many long hours of work by Mrs. Vollers and her outstanding assistants; Loraine Appling, Patricia Ann Loven, Lauri Ann Raymond, and Linda K. Willis, have ensured a complete, accurate, and official journal of the proceedings of the 65th Texas Senate; and

WHEREAS, As an elected officer of the Senate, Mrs. Vollers is a trusted and invaluable friend and key employee of the Senate who has demonstrated her abilities, dedication, and outstanding contribution to the Senate many times and in many ways; now, therefore, be it

RESOLVED, By the Senate of the 65th Texas Legislature, that Mrs. Margrette Vollers and her assistants in the office of the Senate Journal Clerk be hereby commended for their fine work during the session; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Mrs. Vollers and her assistants as a token of the deepest respect and appreciation for outstanding public service to the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 832

Senator Adams offered the following resolution:

WHEREAS, The Texas Senate is most fortunate to have the loyal and dedicated services of a fine lady who has served faithfully as Senate Calendar Clerk during the 65th Session; and

WHEREAS, Mrs. Polly Miller and her assistants; Mary E. Hibler and Catherine Schneider, have most diligently discharged their duties and responsibilities to the people of Texas, while maintaining the highest degree of courtesy and unfailing cooperation toward the members and staff of the Senate; and

WHEREAS, The efficient work of the office of the Senate Calendar Clerk has contributed in large measure to the success of the 65th Legislature; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature hereby commend Mrs. Miller and her assistants for their invaluable loyal and dedicated assistance to the Senate, and be it further

RESOLVED, That official copies of this Resolution be prepared for these fine public servants as an expression of appreciation and respect for their work and service to the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 833

Senator Adams offered the following resolution:

WHEREAS, Mrs. Mary Kay McLean, Director, and the fine ladies of Senate Staff Services; Fern Brokaw, Vivian McVey, Juanita Miller, Margie Myers, Victoria Powers, and Betty L. Smith, have provided invaluable assistance to the officers and members of the Texas Senate during the 65th Session of the Texas Legislature; and

WHEREAS, Their cheerful efficiency, courtesy, and dedicated professional service of the highest standard have greatly contributed to the smooth operation of the Senate during this session and earned them the gratitude and respect of each member of the Senate; now, therefore, be it

RESOLVED, That Mrs. Mary Kay McLean and the dedicated members of Senate Staff Services be hereby commended by the Texas Senate, 65th Legislature, for their efficient and loyal service and invaluable assistance during this session; and be it further

RESOLVED, That an official copy of this Resolution be prepared for each member of Staff Services as a small token of appreciation from the members of the Senate.

The resolution was read and adopted.

SENATE RESOLUTION 834

Senator Adams offered the following resolution:

WHEREAS, A primary responsibility of any democratic government is to function in an open and honest manner toward each citizen it seeks to serve; and

WHEREAS, The Office of Senate Media Services is one of the most important and invaluable departments of the Senate's professional staff; and

WHEREAS, Under the capable, dedicated, and responsible leadership of the Assistant Secretary of the Senate, Mr. Michael Plake, Media Services has consistently and efficiently provided unmatched and courteous service to each member of the Texas Senate during the 65th Legislature; and

WHEREAS, The many long hours of tireless and devoted service by Mr. Plake and his outstanding staff of Susan Christian, Lyn Holt, Gilbert McCarther, and Kathy Staat have been a significant contributing factor in the smooth operations of the Senate, its committees and staff, now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature, hereby officially commend and congratulate Mr. Plake and his staff for their outstanding service to the Senate and the people of Texas; and be it further

RESOLVED, That an official copy of this Resolution be prepared for Mr. Plake and his staff as a small token of the respect, appreciation, and gratitude for outstanding service to the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 835

Senator Adams offered the following resolution:

WHEREAS, The sanctity of the Texas Senate is preserved by the carved oak and etched glass double doors of the Senate Chamber, and

WHEREAS, Lowell Gault, who has been head doorkeeper for said Chamber for a decade, performing his appointed tasks as an elected officer of the Senate with dignity and dedication, both of which were outstandingly exemplified at the opening of this 65th Legislature when Lowell Gault, who had undergone heart surgery in the late autumn of 1976, took his usual place beside the doors in the Senate Chamber on January 11 for the opening of the Session, and

WHEREAS, Lowell Gault has served the State of Texas for many years, beginning with the Office of the Comptroller, then as head doorkeeper of the Senate, starting with the Third Called Session of the 62nd Legislature, and

WHEREAS, Lowell Gault has at the same time served his community as a devoted member of First Methodist Church of Austin and as a 32nd Degree Scottish Rite Mason, being a member of Parson's Lodge #222, Ben Hur Shrine, and Capitol Chapter #803, Order of the Eastern Star, now, therefore, be it

RESOLVED, That the Senate of the State of Texas, meeting in 65th Regular Session, express its high esteem and respect for Lowell Gault with this Resolution, and be it further

RESOLVED, That this Resolution be placed in the Senate Journal as a token of the appreciation thus expressed by the Members of the Senate.

The resolution was read and was adopted.

SENATE RESOLUTION 836

Senator Adams offered the following resolution:

WHEREAS, Ms. Lolly Garcia has faithfully and efficiently served the Texas Senate as Director of the Office of Personnel during the 65th Session; and

WHEREAS, Lolly's cheerful manner, grace, and poise have been a major asset to the Senate; and

WHEREAS, Her work has been most outstanding and truly indicative of the highest professional standards of public service; now, therefore, be it

RESOLVED, By the Senate of the 65th Texas Legislature, that Ms. Lolly Garcia be hereby commended for her outstanding work as Senate Personnel Director and her cheerful and courteous helpfulness to each member of the Senate; and be it further

RESOLVED, That an official copy of this Resolution be presented to Ms. Garcia as a token of appreciation and respect from the Senate for an excellent job of public service to the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 837

Senator Adams offered the following resolution:

WHEREAS, One of the most demanding and pressing positions of legislative service is that of the office of Sergeant-at-Arms; and

WHEREAS, Mr. Tommy Townsend has been faithfully assisted in the responsible discharge of his duties by his two most charming and lovely administrative assistants, Ms. Marie Hudson and Ms. Karen Wilson; and

WHEREAS, These two gracious young ladies have been a most delightful addition to the Senate family through their courteous helpfulness to each member of the Senate; and

WHEREAS, Karen and Marie have been most conscientious and efficient public servants; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature hereby commend Ms. Marie Hudson and Ms. Karen Wilson for their gracious and devoted service to the Senate and the people of Texas; and be it further

RESOLVED, That each of these lovely ladies be presented with an official copy of this Resolution as an expression of the gratitude and respect which they have earned from each member of the Senate.

The resolution was read and was adopted.

SENATE RESOLUTION 838

Senator Adams offered the following resolution:

WHEREAS, Ms. Ann Ramsey, Director of the Capitol Tour Guide Service, has served the Senate during the 65th Legislature in a gracious and devoted manner; and

WHEREAS, Ms. Ramsey's direction of the contingent of Capitol tour guides has been most outstanding; and

WHEREAS, Ann's charming personality, poise, and gracious manner have been a tremendous asset, not only to the Senate, but to all Texans everywhere, as she has represented our state to visitors from all over the United States and many foreign nations; and

WHEREAS, Ms. Ramsey and her faithful assistant, Mrs. Adrienne Allen, have supervised the warm Texas welcome for over 100,000 visitors to the Capitol during this session alone; and

WHEREAS, The reputation for hospitality that the State of Texas enjoys is due in no small measure to these lovely ladies and their most efficient employees; now, therefore, be it

RESOLVED, By the Senate of the 65th Legislature that Ms. Ann Ramsey and her entire crew of Capitol tour guides be hereby commended for the excellent work which they have done during thi session; and be it further

RESOLVED, That an official copy of this Resolution be presented to Ms. Ramsey as a token of the respect and esteem of the Senate for her devotion and performance as Capitol Tour Guide Director, and her service to the Senate and all the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 839

Senator Adams offered the following resolution:

WHEREAS, The Texas Senate is proud to recognize the outstanding work of loyal employees; and

WHEREAS, Mrs. Jill Fooshee and Mrs. Jane Burr have served with marked distinction and tireless devotion during the 65th Legislative Session as supervisors of the Senate Pages; and

WHEREAS, These two lovely and gracious ladies have earned the respect and admiration of each member of the Senate for their charming professional conduct and their fine work directing the Senate Pages; and

WHEREAS, The Senate is most pleased to have Mrs. Fooshee and Mrs. Burr as members of the Senate family; now, therefore, be it

RESOLVED, That the Senate of the 65th Texas Legislature hereby commend Mrs. Jill Fooshee and Mrs. Jane Burr for their outstanding work, their devotion to the Senate, and service to the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 840

Senator Adams offered the following resolution:

WHEREAS, The members of the Senate are indeed proud to have the benefit of three outstanding young gentlemen as dedicated, loyal, and conscientious employees; and

WHEREAS, Mr. Rodney Kelly, First Assistant Sergeant-at-Arms, and his dedicated Deputy Sergeants-at-Arms, Mr. Tim Tunks and Mr. Andy Erskine, have responsibly and efficiently managed the personnel and day-to-day activities of the office of the Sergeant-at-Arms with highest regard for professional conduct and a willingness to work with a dediation to duty that is a rare and distinguished quality; and

WHEREAS, Their efficiency in establishing and maintaining a complete and accurate record of pending business and legislation for each member of the Senate has been a single accomplishment; and

WHEREAS, The members of the Senate are proud and grateful for the outstanding work of these gentlemen; now, therefore, be it

RESOLVED, By the Senate of the 65th Legislature, that these fine young men be hereby commended for their good work, dedication to the Senate, and high principles of public service; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for each of these conscientious employees of the Senate as an expression of gratitude for a job well done for the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 841

Senator Adams offered the following resolution:

WHEREAS, An often unvoiced, but vital, department of the central staff of the Senate is the office of Purchasing and Supply; and

WHEREAS, Under the leadership and supervision of Mrs. Billie Leach, Senate Purchasing Officer, the dedicated employees of this office maintain the orderly flow of material to the members of the Senate in a manner of highest efficiency and devotion to exacting detail; and

WHEREAS, The highest standards of professional conduct are an integral part of the daily operations of this department and each employee thereof; and

WHEREAS, Working in conjunction with Mr. Jim Smith, Senate Auditor, Mrs. Leach and her assistants; Bettye Boggan, R. Dale Hill, Stella Johnson, Mary Sue Parker, Susan Tchamanzar, are a most important part of the Senate staff; and

WHEREAS, The members of the Senate wish to express appreciation to a group of fine people for an outstanding job of quiet and efficient service; now, therefore, be it

RESOLVED, That the Senate of the 65th Texas Legislature hereby officially commend Mrs. Leach, a gracious, lovely, and trusted Senate employee, and her entire office for the fine work which they have done for each member of the Senate; and be it further

RESOLVED, That an official copy of this Resolution be presented to Mrs. Leach as an expression of most sincere gratitude and appreciation for outstanding public service to the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 842

Senator Adams offered the following resolution:

WHEREAS, The members of the Senate are indeed proud to have the benefit of three outstanding young gentlemen as dedicated, loyal, and conscientious employees; and

WHEREAS, Mr. Mack Young and his most capable crew have spent many long hours working round-the-clock shifts to maintain an orderly, accurate, and dependable official record of the proceedings of the Senate during the 65th Legislative Session; and

WHEREAS, The sheer volume of work and the rigid, demanding schedule placed on Mr. Young and his staff have been met with efficient and courteous service and the highest regard for productive cooperation; and

WHEREAS, Mr. Young has once again proven himself to be a truly devoted professional, who is willing to work until the job is properly done; and

WHEREAS, Mr. Young and his staff are indeed a source of pride for each member of the Senate; now, therefore, be it

RESOLVED, By the Senate of the 65th Texas Legislature, that Mr. Young and his entire crew be commended for their outstanding professional service to the Texas Senate; and be it further

RESOLVED, That this Resolution be presented to Mr. Young as a token of the most sincere appreciation and respect for dedicated and devoted service to the Senate and the people of Texas.

The resolution was read and was adopted.

SENATE RESOLUTION 843

Senator Adams offered the following resolution:

WHEREAS, One of the most vital and indispensable members of the Senate Staff is the charming and lovely lady who oversees the operations and duties of the Office of the Senate Payroll; and

WHEREAS, The Payroll Officer of the Senate, Mrs. Conneen Lindgren, has distinguished herself as a true lady, a dedicated public servant, and has shown fairness and honesty in every facet of her office; and

WHEREAS, She has been a guiding force and an example for all officers and employees of the Senate; be it

RESOLVED, That the Senate of the 65th Texas Legislature officially express its most sincere appreciation to Mrs. Lindgren and her assistant, Mrs. Jolene Burnham, for the fair and capable manner in which they have served the Senate in the execution of their duties; and be it further

RESOLVED, That an official copy of this Resolution be prepared for Mrs. Lindgren and her assistant as a token of the admiration and esteem in which they are held by the members of the Senate.

The resolution was read and was adopted.

SENATE RESOLUTION 862

Senator Adams offered the following resolution:

WHEREAS, The Senate Committee on Administration handles not only all of the "Business" of the Senate but also serves as the Local and Uncontested Calendar Committee; and

WHEREAS, The Local and Uncontested Calendar is vital to not only passing legislation important to local areas but also clears the Regular Senate Calendar for bills needing full Senate Debate; and

WHEREAS, The Clerk of the Administration Committee has areas of increasing responsibility as the session draws closer to Adjournment Sine Die; and

WHEREAS, The organization and care taken by the Administration Committee this year is due in great part to Shelton Smith, the Clerk of the Committee; and

WHEREAS, Shelton put in many hours not only in Committee Meetings but in preparation for and carrying out the directions of the Committee; and

WHEREAS, This work is the key to keeping straight what bills go on the Calendar and what bills do not; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of Texas pay tribute, give recognition and extend appreciation to Shelton Smith, Administration Committee Clerk, for the outstanding contribution he made to the Senate of the 65th Legislature; and, be it further

RESOLVED, That a copy of this Resolution, bearing the seal of the Senate, be prepared for Shelton Smith as a token of appreciation of the work that he did during the Session.

The resolution was read and was adopted.

SENATE RESOLUTION 844

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is Andrea Jeanne Brechtel, daughter of Mr. and Mrs. Wayne Brechtel and granddaughter of our distinguished colleague, Senator John Traeger, and his wife, Bernice; now, therefore, be it

RESOLVED, That this charming young lady, Andrea Jeanne Brechtel, be honored as a Sweetheart of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 845

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Brian Wilson Hooser, son of Mr. and Mrs. Elmo W. Hooser, Jr., and grandson of our distinguished colleague, Senator John Traeger, and his wife, Bernice; now, therefore, be it

RESOLVED, That this outstanding young man, Brian Wilson Hooser, be honored as a Mascot of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 846

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Mascot of the Senate is David Frank Lombardino, who has born September 5, 1976, the son of James Thomas and Carol Lombardino and the grandson of our distinguished colleague, Senator Frank Lombardino, and his wife, Stella; now, therefore, be it

RESOLVED, That this outstanding young man, David Frank Lombardino, be honored as a Mascot of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 847

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is Catherine Doggett, who was born October 25, 1976, the daughter of our distinguished colleague, Senator Lloyd Doggett, and his wife, Libby; now, therefore, be it

RESOLVED, That this charming young lady, Catherine Doggett, be honored as a Sweetheart of the Senate of the State of Texas; and be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 848

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is Maria Luisa Truan, daughter of our distinguished colleague, Senator Carlos Truan, and his wife, Elvira; now, therefore, be it

RESOLVED, That this charming young lady, Maria Luisa Truan, be honored as a Sweetheart of the Senate of the State of Texas; and be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 849

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is Veronica Truan, daughter of our distinguished colleague, Senator Carlos Truan, and his wife, Elvira; now, therefore, be it

RESOLVED, That this charming young lady, Veronica Truan, be honored as a Sweetheart of the Senate of the State of Texas; and be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 850

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Carlos A. Truan, Jr., son of our distinguished colleague, Senator Carlos Truan, and his wife, Elvira; now, therefore, be it

RESOLVED, That this outstanding young man, Carlos A. Truan, Jr., be honored as a Mascot of the Senate of the State of Texas; and be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 851

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Rene David Truan, son of our distinguished colleague, Senator Carlos Truan, and his wife, Elvira; now, therefore, be it

RESOLVED, That this outstanding young man, Rene David Truan, be honored as a Mascot of the Senate of the State of Texas; and be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 852

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is Valerie Lynn Parker, daughter of our distinguished colleague, Senator Carl Parker, and his wife, Beverly; now, therefore, be it

RESOLVED, That this charming young lady, Valerie Lynn Parker, be honored as a Sweetheart of the Senate of the State of Texas; and be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 853

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is Christian Ann Parker, daughter of our distinguished colleague, Senator Carl Parker, and his wife, Beverly; now, therefore, be it

RESOLVED, That this charming young lady, Christian Ann Parker, be honored as a Sweetheart of the Senate of the State of Texas; and be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 854

Senator Adams offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Carl Allen Parker, Jr., son of our distinguished colleague, Senator Carl Parker, and his wife, Beverly; now, therefore, be it

RESOLVED, That this outstanding young man, Carl Allen Parker, Jr., be honored as a Mascot of the Senate of the State of Texas; and be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 143 ADOPTED

Senator Doggett submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 143** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

DOGGETT
JONES OF HARRIS
TRUAN
HANCE
On the part of the Senate

GARCIA
GRANT
NOWLIN
MALONEY
McFARLAND
On the part of the House

CONFERENCE COMMITTEE REPORT

S.B. 143

A BILL TO BE ENTITLED

AN ACT

relating to the choice of managing conservator by a child; amending Subsections (b) and (c), Section 14.07, Family Code, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsections (b) and (c), Section 14.07, Family Code, as amended, are amended to read as follows:

"(b) In determining the best interest of the child, the court shall consider the circumstances of the parents. In the event of the death of the parents, the grandparents may be considered but such consideration shall not alter or diminish the discretionary power of the court."

"(c) In a nonjury trial the court may interview the child in chambers to ascertain the child's wishes as to his conservator. Upon the application of any party and when the issue of managing conservatorship is contested the court shall confer with a child twelve years of age or older and may confer with a child under twelve years of age, but in either event the results of such interview shall not alter or diminish the discretionary power of the court. The court may permit counsel to be present at the interview. On the motion of a party or on the court's own motion, the court shall cause a record of the interview to be made when the child is twelve years of age or older, which record of the interview shall ~~and to~~ be made part of the record in the case.

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote: Yeas 14, Nays 9.

Yeas: Aikin, Andujar, Clower, Doggett, Jones of Harris, Longoria, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Truan, Williams.

Nays: Braecklein, Creighton, Hance, Harris, Kothmann, Lombardino, McKnight, Ogg, Traeger.

Absent: Adams, Brooks, Farabee, Jones of Taylor, Mauzy, Moore, Sherman, Snelson.

SENATE RESOLUTION 856

Senator Moore offered the following resolution:

WHEREAS, On April 24 of this year the Texas A&M University baseball team captured the 1977 Southwest Conference championship; and

WHEREAS, Compiling an outstanding 18-4 record in conference competition, the Aggies were 37-16 for the season and earned a coveted berth in the NCAA national playoffs for the third consecutive year; and

WHEREAS, Displaying the teamwork and poise of a finely coached team, the Aggies responded to repeated challenges with finesse and dedication and this season provided Head Coach Tom Chandler with his 400th victory at Texas A&M; and

WHEREAS, The superlative performances of All Southwest Conference selections Robert Bonner, Mark Ross, and Mark Thurmond typified the exceptional athletic prowess of the entire Aggie team, and the sportsmanship displayed by the A&M squad throughout its victorious season has brought new measures of pride and gratification to all the citizens of this state; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas congratulate Head Coach Tom Chandler and the members of the 1977 Texas A&M University baseball team upon their great season climaxed by the Southwest Conference Championship; and, be it further

RESOLVED, That official copies of this resolution be prepared for coach Tom Chandler and for Dr. Jack K. Williams, Chancellor of the Texas A&M University System, as an expression of highest esteem from the Senate of the State of Texas.

MOORE
KOTHMANN
SCHWARTZ
McKNIGHT

The resolution was read and was adopted.

CONFERENCE COMMITTEE REPORT HOUSE BILL 1

Senator Hance submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HANCE
ADAMS
TRAEGER
On the part of the Senate

WYATT
DAVIS
HOLLOWELL
SCHLUETER
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. No. 2, Granting Donald M. Holmquist permission to sue the State of Texas.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 784 ON SECOND READING

The President laid before the Senate on its second reading the following resolution:

S.R. 784, Amending Senate Rules by adding a new Rule 110.

The resolution was read.

On motion of Senator Adams and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 793 ON SECOND READING

The President laid before the Senate on its second reading the following resolution:

S.R. 793, Instructing the Jurisprudence Committee, during the interim, to study the dangers of railroad crossings.

The resolution was read.

Senator Creighton offered the following amendment to the resolution:

Amend the Resolving Clause of **S.R. 793** by striking therein the word "Jurisprudence" and inserting in lieu thereof the following:

"Economic Development"

The amendment was read.

On motion of Senator Schwartz, the amendment was tabled by the following vote: Yeas 13, Nays 10, Present-Not Voting 1.

Yeas: Adams, Aikin, Clower, Doggett, Jones of Harris, Longoria, Mengden, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Andujar, Braecklein, Creighton, Farabee, Hance, Harris, Kothmann, Lombardino, McKnight, Meier.

Present-Not Voting: Ogg.

Absent: Brooks, Jones of Taylor, Mauzy, Moore, Parker, Sherman, Snelson.

On motion of Senator Schwartz, the resolution was adopted by the following vote: Yeas 17, Nays 7.

Yeas: Adams, Aikin, Andujar, Clower, Doggett, Jones of Harris, Kothmann, Lombardino, Longoria, Mengden, Ogg, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Braecklein, Creighton, Farabee, Hance, Harris, McKnight, Meier.

Absent: Brooks, Clower, Jones of Taylor, Mauzy, Moore, Parker, Sherman.

HOUSE BILL 136 ON THIRD READING

Senator Truan moved to suspend the regular order of business and Senate Rule 73 to take up for consideration on its third reading and final passage:

H.B. 136, Relating to participation by school districts in the federal program providing breakfasts for certain school children.

The motion prevailed by the following vote: Yeas 22, Nays 3.

Yeas: Adams, Andujar, Braecklein, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Truan, Williams.

Nays: Aikin, Creighton, Traeger.

Absent: Brooks, Jones of Taylor, Mauzy, Moore, Sherman, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 4.

Yeas: Adams, Andujar, Braecklein, Clower, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Truan, Williams.

Nays: Aikin, Creighton, Hance, Traeger.

Absent: Brooks, Jones of Taylor, Mauzy, Moore, Sherman, Snelson.

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. No. 29, Directing the State Board of Education to improve its management information system.

S.C.R. No. 30, Directing state board of Education to include student proficiency testing in accreditation standards.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 1512 ON SECOND READING

Senator Traeger moved to suspend the regular order of business and Senate Rule 73 to take up for consideration at this time:

H.B. 1512, A bill to be entitled An Act relating to the validation of the assumption of municipal control of certain schools, the election approving that assumption, and the acts and proceedings of the municipal school district.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Brooks, Jones of Taylor, Mauzy, Sherman.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1512 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1512** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann,

Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

MOTION TO PLACE HOUSE BILL 228 ON SECOND READING

Senator Brooks asked unanimous consent to suspend the regular order of business and Senate Rule 73 to take up for consideration at this time:

H.B. 228, A bill to be entitled An Act relating to the eligibility of medical students for student loans; adding Subsection (c) to Section 52.32, Texas Education Code.

There was objection.

Senator Brooks then moved to suspend the regular order of business and Senate Rule 73 and take up **H.B. 228** for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 17, Nays 13.

Yeas: Aikin, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Longoria, Mauzy, Meier, Ogg, Patman, Santiesteban, Schwartz, Snelson, Truan, Williams.

Nays: Adams, Andujar, Braecklein, Creighton, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Mengden, Moore, Parker, Traeger.

Absent: Sherman.

MOTION TO PLACE HOUSE BILL 160 ON SECOND READING

Senator Adams moved to suspend the regular order of business and Senate Rule 73 to take up for consideration at this time:

H.B. 160, A bill to be entitled An Act relating to the allocation of revenue for farm-to-market roads; amending Subsection (4-b), Section 2, Article XX, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes); amending Article 9.25, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 18, Nays 13.

Yeas: Adams, Aikin, Clower, Creighton, Farabee, Hance, Jones of Taylor, Kothmann, Longoria, McKnight, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger.

Nays: Andujar, Braecklein, Brooks, Doggett, Harris, Jones of Harris, Lombardino, Mauzy, Meier, Mengden, Ogg, Truan, Williams.

HOUSE CONCURRENT RESOLUTION 195 ON SECOND READING

The President laid before the Senate on its second reading the following resolution:

H.C.R. 195, Instructing the Chief Clerk of the House of Representatives to make certain corrections in **H.B. 443**.

The resolution was read.

On motion of Senator Meier and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 349 ON SECOND READING

The President laid before the Senate on its second reading the following resolution:

S.R. 349, Creating a special Senate interim committee to study refinery tax or other forms of taxation to replace ad valorem taxes.

The resolution was read.

Senator Schwartz offered the following amendment to the resolution:

Amend **S.R. 349** by adding the words "and a Corporate Profits Tax" after the words "petroleum refineries" where those words appear.

The amendment was read and was adopted.

RECORD OF VOTE

Senator Ogg asked to be recorded as voting "Nay" on the adoption of the amendment.

The resolution as amended was adopted.

RECORD OF VOTES

Senators Williams, Ogg and Truan asked to be recorded as voting "Nay" on the adoption of the resolution.

REPORT OF SPECIAL COMMITTEE

Austin, Texas
May 30, 1977

Honorable William P. Hobby, Lieutenant Governor
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We your Committee appointed to designate the Poet Laureate of the State of Texas for the year beginning May 1, 1977 and ending April 30, 1978 appoint and designate Mrs. Ruth Carruth of Vernon and Mrs. Joy Gresham Hagstrom of Burkburnett as Alternate for the same period. We further appoint and designate Patsy Stodghill of Dallas and Alternate Dorothy B. Elfstroman of Galveston for the year beginning May 1, 1978 and ending April 30, 1979.

Howard Richards - Governor's Office
Grant Jones, Chairman - Senate
A.R. Schwartz - Senate
W.E. Snelson - Senate
Dave Allred - House of Representatives
W.S. "Bill" Heatly - House of Representatives

HOUSE BILL 1941 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business and Senate Rule 73 was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1941, Relating to the procedure for organizing a county executive committee of a political party holding primary elections when no county organization exists.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Amend **H.B. 1941** by striking Section 2 and substituting in lieu thereof the following:

"Section 2. Paragraph (b), Subdivision 2, Section 222, Texas Election Code, as amended (Article 13.45, Vernon's Texas Election Code), is amended to read as follows:

"(b) The following statement shall appear at the head of each page of the petition ~~[To each person who signs the petition there shall be administered the following oath, which shall be reduced to writing and attached to the petition]:~~ 'I know the contents of this ~~[the foregoing]~~ petition, requesting that the names of the nominees of the _____ Party be printed on the ballot for the next general election. I am a qualified voter at the next general election under the constitution and laws in force, and during the current voting year I have not voted in any

primary election or participated in any convention held by any other political party, and I will not vote in a primary election or participate in a convention of any other party during the remainder of this voting year.' The petition may be in multiple parts. To each part of the petition shall be attached an affidavit of the person who circulated it, stating that he called each signer's attention to the statement and read it to him before the signed affixed his signature to the petition, and further stating that he witnessed the affixing of each signature, that the correct date of signing is shown on the petition, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name is signed. A petition so verified is prima facie evidence that the signatures thereon are genuine and the persons signing it are registered voters. [One certificate of the officer administering the oath may be so made as to apply to all to whom it was administered.] The petition may not be circulated for signatures until after the date of the party's precinct conventions. Any signatures obtained on or before that date are void."

Sec. 3. Section 228, Texas Election Code, as amended (Article 13.51, Vernon's Texas Election Code), is amended to read as follows:

"228. Signer's statement on [Oath to] application; verification

"The following statement shall appear at the head of each page of the application [To every citizen who signs such application, there shall be administered the following oath, which shall be reduced to writing and attached to such application]: 'I know the contents of this [the foregoing] application; I have not participated in the general primary election or the runoff primary election of any party which has nominated, at either such election, a candidate for the office for which I desire _____ (here insert the name of the candidate) to be a candidate; I am a qualified voter at the next general election under the Constitution and laws in force and am signing this [have signed the above] application of my own free will.' The application may be in multiple parts. To each part of the application shall be attached an affidavit of the person who circulated it, stating that he called each signer's attention to the statement and read it to him before the signer affixed his signature to the application, and further stating that he witnessed the affixing of each signature, that the correct date of signing is shown on the application, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name is signed. An application so verified is prima facie evidence that the signatures thereon are genuine and the persons signing it are registered voters. [One certificate of the officer before whom the oath is taken may be so made as to apply to all to whom it was administered.]"

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The committee amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 1941 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1941 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**MOTION TO RECONSIDER VOTE BY WHICH SENATE RESOLUTION
349 ADOPTED**

Senator Parker moved that the vote by which **S.R. 349** was adopted be reconsidered.

Senator McKnight raised the Point of Order that Senator Parker did not vote on the prevailing side on the adoption of the resolution.

The President sustained the Point of Order.

HOUSE BILL 151 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Senate Rule 73 was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 151, Relating to overtime pay for Department of Public Safety officers.

The bill was read second time and was passed to third reading.

HOUSE BILL 151 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 151** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Tracer, Truan, Williams.

Nays: Creighton, Mauzy, Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Creighton asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION TO PLACE HOUSE BILL 1691 ON SECOND READING

Senator Creighton moved to suspend the regular order of business and Senate Rule 73 to take up for consideration at this time:

H.B. 1691, Relating to the prevention, control, and eradication of contagious and infectious diseases of honey bees; providing penalties; amending Title 17, Revised Civil Statutes of Texas, 1925, as amended, by amending Articles 551 and 561, and by adding Articles 553a, 553b, and 562a.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 15.

Yeas: Aikin, Andujar, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Longoria, Meier, Mengden, Parker, Santiesteban, Schwartz, Sherman, Truan.

Nays: Adams, Bracklein, Clower, Doggett, Jones of Harris, Kothmann, Lombardino, Mauzy, McKnight, Moore, Ogg, Patman, Snelson, Traeger, Williams.

SENATE RESOLUTION 858

(Caucus Report)

Senator Aikin offered the following resolution:

At a caucus held on May 30, 1977, and attended by 31 members of the Senate, the following recommendations were made, to-wit:

BE IT RESOLVED BY THE SENATE.

The Lieutenant governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the State from the closing of this session and until the convening of the next session.

The Sergeant-at-Arms shall be retained and a number of assistants as necessary in the operation of the Senate until the convening of the next session.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Room, Staff Services Room, Calendar Clerk and Journal Clerk. The Committee on Administration shall establish the salaries to be paid the Senate Staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms and close his books for the Regular Session of the Sixty-Fifth Legislature. No equipment shall be acquired

on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the Regular Session of the 65th Legislature and when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate, each member of the House of Representatives on request, to the Lieutenant Governor, and 65 paper bound copies shall be furnished to the State Library. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 65th Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 65th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, and employees of the Senate committees upon presentation of a payroll account signed by the President of the Senate and the Secretary of the Senate; for payment of employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the Legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual members office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin, but may be incurred in individual Senatorial Districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from June 1, 1977, until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff at a maximum payroll of \$4,900.00 per month under the classification schedule hereinafter provided. Other expenses including actual travel expenses or other reasonable and necessary expenses incurred in the

furtherance and performance of legislative duties or in operation of his office or incident thereto shall be provided in addition to the maximum salary authorized.

It is further recommended that each employee of the Senate except elected officers be classified and paid pursuant to the following schedule to include salary changes made by the General Appropriations Act:

Title	Class Number	Group	Salary and Step Range
Clerk I	0051	02	534(1) - 552(2) - 571(3)
Messenger	0011	02	590(4) - 610(5) - 630(6)
Clerk Typist II	0106	04	610(1) - 630(2) - 651(3)
Stenographer I	0126	04	673(4) - 696(5) - 719(6)
Secretary II	0133	05	743(5) - 768(6) - 794(7)
Secretary III	0135	07	848(5) - 876(6) - 906(7)
Admin. Sec.	0138	09	968(5) - 1000(6) - 1034(7)
Info. Spec. I	1892	14	1179(1) - 1219(2) - 1259(3)
Admin. Tech. I	1501	08	906(5) - 936(6) - 968(7)
Admin. Tech. II	1502	11	1068(4) - 1104(5) - 1141(6)
Admin. Tech. III	1503	13	1179(3) - 1219(4) - 1259(5)
Admin. Tech. IV	1504	15	1345(3) - 1391(4) - 1437(5)
Info. Spec. II	1893	16	1391(2) - 1437(3) - 1486(4)
Attorney III	3533	17	1437(1) - 1486(2) - 1535(3)
Research Asst. II	1517	13	1302(6) - 1345(7) - 1391(8)
ADP Equip. Oper. I	0221	07	743(1) - 794(3) - 848(5)
Rep. Equip. Oper. I	0309	09	848(1) - 906(3) - 968(5)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act upon authorization of the Administration Committee; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any member of the Senate, the Secretary of the Senate or other Senate employees to attend National Legislative Conferences and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That the Chairman of the Finance Committee have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee; and, be it further

RESOLVED, That each of the Standing Committees and Subcommittees of the Senate of the 65th Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation and perform research on matters directed either by resolution, the Lieutenant Governor or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That there is hereby created a committee whose membership shall consist of all 31 Senators and the Dean of the Senate shall preside as Chairman. The Chairman may appoint a vice-chairman or chairman pro tempore to preside in the absence of the Chairman.

The committee has the duty and authority to supervise all matters relating to the elected officers or internal affairs of the Senate. The committee has the power to do all things reasonable and necessary in carrying out its responsibilities including, but not limited to, the discharge of elected officers, filling vacancies in any elected office, determining salaries of elected officers, and prescribing the powers, functions, responsibilities and duties of the several elected officers of the Senate. The committee shall meet at the call of the Chairman or at a date specified in a written request of eleven members, or as may be determined by the committee after its initial meeting. Twenty-one members shall constitute a quorum and a majority of the quorum may take action.

The operating expenses of this committee shall be paid from the contingent expense fund of the Senate and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee; and be it further

RESOLVED, That the cash balance on hand under the provisions of Senate Resolution No. 15 of the Forty-Seventh Legislature be turned over to the Secretary of the Senate and she is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said Resolution; and, be it further

RESOLVED, That the Sergeant-at-Arms is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,
AIKIN
Chairman of the Caucus

SNELSON
Secretary of the Caucus

The resolution was read and was adopted.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the adoption of the resolution.

ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM FOR THE REGULAR SESSION OF THE SIXTY-FIFTH LEGISLATURE

The President announced the election of the President Pro Tempore as the next order of business.

Senator Aikin nominated Senator Don Adams of Jasper as President Pro Tempore Ad Interim for the Regular Session of the Sixty-Fifth Legislature.

Senators McKnight, Snelson, Moore, Santiesteban, Ogg, Schwartz, Meier, Andujar, Sherman, Doggett, Creighton, Longoria, Traeger, Jones of Taylor and Farabee seconded the nomination.

The President appointed Senators Jones of Taylor and McKnight as tellers.

The ballots were taken up and counted and the President announced that Senator Adams had received 30 votes with one present and not voting for President Pro Tempore Ad Interim and declared him duly elected.

Senators Aikin, Snelson, McKnight, Creighton and Harris were appointed to escort Senator Adams and his wife, Linda, to the President's Rostrum.

The President then presented Senator Adams to the Senate as their President Pro Tempore Ad Interim.

Senator Adams was administered the Constitutional Oath of Office by The Honorable Joe Greenhill, Chief Justice of the Supreme Court of Texas.

Senator Adams then addressed the Senate, expressing his appreciation for the Senate and the privilege of serving as a Member and President Pro Tempore.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 117 ADOPTED

Senator Mauzy again submitted the following Conference Committee Report:

CONFERENCE COMMITTEE REPORT HOUSE BILL 117

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 117 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MAUZY
BRAECKLEIN
KOTHMANN
JONES OF HARRIS
DOGGETT
On the part of the Senate

WILLIS
WALLACE
SIMPSON
BIRD
On the part of the House.

The Conference Committee Report was read and was adopted by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Farabee, Harris, Jones of Taylor, Mengden.

Absent: Parker.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 60

The Senate resumed consideration of the Conference Committee Report on Senate Bill 60.

Question - Shall the Conference Committee Report be adopted?

MESSAGE FROM THE HOUSE

House Chamber
May 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the conference committee report on House Bill No. 117 adopted by a non record vote.

All necessary rules suspended, and the House concurred in Senate amendments to H.B. No. 1941 by a non record vote.

All necessary rules suspended, and the conference committee report on House Bill No. 1 adopted by a non record vote.

All necessary rules suspended, and the House concurred in Senate amendments to H.B. No. 136 by a record vote of 96 ayes, 43 noes, 4 present not voting.

All necessary rules suspended, and the conference committee report on House Bill No. 1048 adopted by a record vote of 141 ayes, 1 noes, 4 present not voting.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1048 ADOPTED

Senator Adams submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1048** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ADAMS
MAUZY
SHERMAN
On the part of the Senate

UHER
DAVIS
EZZELL
HENDERSON
POWERS
On the part of the House

Senator Creighton moved the Conference Committee Report be read in full.

The motion prevailed by the following vote: Yeas 17, Nays 14.

Yeas: Andujar, Braecklein, Clower, Creighton, Doggett, Harris, Jones of Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Mengden, Moore, Parker, Schwartz, Sherman, Truan.

Nays: Adams, Aikin, Brooks, Farabee, Hance, Kothmann, Lombardino, Meier, Ogg, Patman, Santiesteban, Snelson, Traeger, Williams.

Full reading of the Conference Committee Report was then dispensed with on motion of Senator Creighton and by unanimous consent.

Senator Adams moved adoption of the Conference Committee Report.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Farabee, Jones of Taylor.

HOUSE BILL 1129 ON SECOND READING

Senator Traeger moved to suspend the regular order of business and Senate Rule 73 to take up for consideration at this time:

H.B. 1129, Providing a supplemental service retirement benefit for certain law enforcement officers.

The motion prevailed by the following vote: Yeas 24, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Traeger, Truan, Williams.

Nays: Creighton, Farabee, Schwartz.

Absent: Jones of Taylor, Mauzy, Sherman, Snelson.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Question - Shall the bill be passed to third reading?

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1

Senator Adams called from the President's table the Conference Committee Report on **H.B. 1**. (The Conference Committee Report having been filed with the Senate and read on today.)

Senator Adams moved that the Conference Committee Report on **H.B. 1** be adopted.

Question - Shall the Conference Committee Report be adopted?

CONFERENCE COMMITTEE REPORT HOUSE BILL 750

Senator Aikin submitted the following Conference Committee Report:

Austin, Texas
May 30, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 750** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

AIKIN
BROOKS
JONES OF TAYLOR
SHERMAN
On the part of the Senate

ATKINSON
HALE
KASTER

NUGENT
MASSEY
On the part of the House

The Conference Committee Report was read.

Question - Shall the Conference Committee Report be adopted?

MOTION IN WRITING

Senator Aikin submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and was adopted.

The President announced the appointment of the following Committee to notify the House of Representatives: Senators Adams, Longoria, Clower, Andujar and Brooks.

MOTION IN WRITING

Senator Aikin submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and was adopted.

The President announced the appointment of the following Committee to notify the Governor: Senators Snelson, Schwartz, Aikin, Traeger and Truan.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 81	S.C.R. 99	S.C.R. 110
S.C.R. 111		
S.B. 66	S.B. 576	S.B. 1052
S.B. 101	S.B. 578	S.B. 1211
S.B. 125	S.B. 620	S.B. 1214
S.B. 151	S.B. 638	S.B. 1246
S.B. 148	S.B. 714	S.B. 1248
S.B. 183	S.B. 746	S.B. 1275
S.B. 210	S.B. 787	(Signed Subject to
S.B. 266	S.B. 815	Sec. 49a, Article III,
S.B. 368	S.B. 839	Constitution of State of
		Texas)

S.B. 443	S.B. 857	S.B. 1284
S.B. 517	S.B. 882	S.B. 1296
S.B. 519	S.B. 895	S.B. 1332
S.B. 569	S.B. 32	S.B. 54
S.B. 65	S.B. 416	S.B. 1025
S.B. 91	S.B. 440	(Signed subject to Sec. 49a, Article III, Constitution of State of Texas)
S.B. 113	S.B. 479	S.B. 1045
S.B. 133	S.B. 489	S.B. 1094
S.B. 143	S.B. 612	S.B. 1208
S.B. 146	S.B. 684	S.B. 1235
S.B. 152	S.B. 697	S.B. 1250
S.B. 157	S.B. 737	S.B. 1260
S.B. 168	S.B. 747	S.B. 1289
S.B. 180	S.B. 754	(Signed subject to Sec. 49a, Article III, Constitution of State of Texas)
		S.B. 1301
S.B. 182	S.B. 758	S.B. 1306
S.B. 208	S.B. 773	S.B. 1311
S.B. 222	S.B. 866	S.B. 1319
S.B. 233	S.B. 914	S.B. 1327
S.B. 311	S.B. 945	S.B. 730
S.B. 337	S.B. 952	S.B. 788
		(Signed Subject to Sec. 49a, Article III, Constitution of State of Texas)
S.B. 366	S.B. 957	S.B. 970
S.B. 1226	S.J.R. 50	S.C.R. 2
S.C.R. 29	S.C.R. 30	S.C.R. 85
S.C.R. 116	S.C.R. 117	S.C.R. 118
H.J.R. 42	H.B. 1146	H.B. 1880
H.C.R. 27	H.B. 1180	H.B. 1931
H.C.R. 58	H.B. 1193	H.B. 1969
H.C.R. 88	H.B. 1218	H.B. 1976
H.C.R. 102	H.B. 1214	H.B. 2007
H.C.R. 148	H.B. 1232	H.B. 2028
H.C.R. 155	H.B. 1242	H.B. 2067
H.C.R. 183	H.B. 1269	H.B. 2068
H.C.R. 185	H.B. 1309	H.B. 2146
H.B. 39	H.B. 1330	H.B. 2163
H.B. 157	H.B. 1355	H.B. 2165
H.B. 178	H.B. 1408	H.B. 2166
H.B. 247	H.B. 1410	H.B. 2171
H.B. 289	H.B. 1412	H.B. 2172
H.B. 321	H.B. 1416	H.B. 2182
H.B. 337	H.B. 1456	H.B. 2189
H.B. 368	H.B. 1488	H.B. 2193
H.B. 371	H.B. 1536	H.B. 2194
H.B. 355	H.B. 1537	H.B. 2196
H.B. 407	H.B. 1547	H.B. 2197
H.B. 447	H.B. 1550	H.B. 2209
H.B. 506	H.B. 1551	H.B. 2210
H.B. 524	H.B. 1575	(Signed subject to Sec. 49a, Article III Constitution of State of Texas)
		H.B. 2213

H.B. 578	H.B. 1592	H.B. 2218
H.B. 641	H.B. 1599	H.B. 2219
H.B. 620	H.B. 1631	H.B. 2223
H.B. 649	H.B. 1685	H.B. 2225
H.B. 657	H.B. 1721	H.B. 2234
H.B. 661	H.B. 1739	H.B. 2235
H.B. 744	H.B. 1772	H.B. 2236
H.B. 869	H.B. 1776	H.B. 2238
H.B. 884	H.B. 1784	H.B. 2240
H.B. 905	H.B. 1791	H.B. 2243
H.B. 936	H.B. 1811	H.B. 2244
H.B. 937	H.B. 1813	H.B. 2245
H.B. 955	H.B. 1830	H.B. 2248
H.B. 997	H.B. 1832	H.B. 2253
H.B. 1012	H.B. 1833	H.B. 2254
H.B. 1067	H.B. 1845	H.B. 2257
H.B. 1089	H.B. 1855	H.B. 2258
H.B. 1125	H.B. 1878	H.B. 2259
H.C.R. 192	H.C.R. 31	H.B. 117
H.C.R. 193	H.C.R. 62	H.B. 136
H.B. 400	H.C.R. 161	H.B. 151
H.B. 924	H.C.R. 166	H.B. 443
H.B. 972	H.C.R. 184	H.B. 1048
H.B. 1278	H.C.R. 186	H.B. 1512
H.B. 1799	H.C.R. 187	H.B. 1941
H.B. 1826	H.C.R. 189	H.B. 2141
H.B. 1831	H.C.R. 190	H.C.R. 195
H.B. 2207	H.C.R. 191	H.B. 2266

SENATE CONCURRENT RESOLUTION 119

Senator Andujar offered the following resolution:

BE IT RESOLVED, By the Senate of the 65th Legislature, the House of Representatives concurring, that the Regular Session of the 65th Legislature stand adjourned sine die at 12:00 midnight, May 30, 1977.

The resolution was read.

On motion of Senator Andujar the resolution was considered immediately and was adopted.

CONFERENCE COMMITTEE REPORT HOUSE BILL 750

The Senate resumed consideration of the Conference Committee Report on H.B. 750.

Question - Shall the Conference Committee Report be adopted?

SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate and Mr. Lauhoff for the Committee notified the Senate that the House was ready to adjourn sine die.

GOVERNOR NOTIFIED

The Committee to notify the Governor that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Snelson for the Committee reported that the Committee had performed the duty assigned to it.

The Committee was discharged.

HOUSE NOTIFIED

The Committee to notify the House of Representatives that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Adams for the Committee reported that the Committee had performed the duty assigned to it.

The Committee was discharged.

CONFERENCE COMMITTEE REPORT HOUSE BILL 750

The Senate resumed consideration of the Conference Committee Report on H.B. 750.

Senator Jones of Harris raised a Point of Order against further consideration of the Conference Committee Report, stating that the time was near midnight on the last day of the 140 days of the session and that no valid action could be taken on the Conference Committee Report.

The President sustained the Point of Order, but further indicated that although no legislation could be considered after 12:00 midnight, consideration of routine matters and the exercise of duties necessary to the orderly conclusion of the session, such as the signing of bills and resolutions in the presence of the Senate, could occur.

MEMORIAL RESOLUTIONS

S.R. 802 - by Schwartz: Memorial resolution for Hubert Bales.

S.R. 812 - by Adams: Memorial resolution for Annie Mary Einkauf.

S.R. 813 - by Adams: Memorial resolution for Maudie Pearl Fisher.

S.R. 814 - by Adams: Memorial resolution for Cora Leonard Plake.

S.R. 819 - by Snelson: Memorial resolution for James F. Hightower.

S.R. 820 - by Doggett: Memorial resolution for George E. Byars.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 187 - (Doggett): Extending congratulations to Charles R. Barden.

H.C.R. 189 - (Aikin): Extending congratulations to Orea Guffin.

H.C.R. 191 - (Jones of Taylor): Extending congratulations to Mrs. Carolyn Donaldson.

H.C.R. 192 - (Aikin): Extending congratulations to Mary Kate Wall.

S.R. 797 - by Doggett: Extending congratulations to Texas Senate Pages.

S.R. 798 - by Doggett: Extending welcome to Reverend Frank Walker.

S.R. 799 - by McKnight, Creighton: Extending congratulations to Johnny Duncan.

S.R. 800 - by Longoria: Extending congratulations to Servicio Informativo en Espanol.

S.R. 801 - by Truan: Extending congratulations to coach Gil Steinke.

S.R. 803 - by Clower: Extending welcome to Monica Park Christian Church Christian Youth Fellowship.

S.R. 804 - by Clower: Extending congratulations to Kenneth R. Welch, Jr.

S.R. 805 - by Clower: Extending congratulations to Ms. Lynda P. Johns.

S.R. 806 - by Clower: Extending welcome to Mrs. Frances Simpson Block.

S.R. 807 - by Clower: Extending congratulations to Richard and Susan Schwartz.

S.R. 808 - by Clower: Extending congratulations to Mr. and Mrs. Charles B. Metcalfe.

S.R. 809 - by Schwartz, Lombardino, Traeger, Kothmann: Extending welcome to Joanne Ward and Lyn Noble.

S.R. 810 - by Parker: Extending congratulations to Miss Denise Hubbard.

S.R. 811 - by Doggett: Extending congratulations to Jay Moore.

S.R. 821 - by Ogg: Extending congratulations to Michael A. Hicks.

S.R. 822 - by Ogg: Extending congratulations to Leon "Arthur" Tindel.

S.R. 855 - by Mengden: Extending congratulations to Thomas K. Algor.

S.R. 857 - by Schwartz: Extending welcome to Max L. Hogan and Bill Rutledge.

S.R. 859 - by Hance: Extending congratulations to Dr. Norman R. Hall.

S.R. 860 - by Hance: Extending congratulations to Mrs. Thacker Cole.

S.R. 861 - by Hance: Extending congratulations to Janette Norman for SPECTRUM: FOCUS ON DEAF ARTISTS.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the Regular Session of the Sixty-Fifth Legislature had arrived.

Senator Andujar moved that the Senate of the Sixty-Fifth Legislature stand adjourned sine die.

The motion prevailed and the President declared the Regular Session of the Sixty-Fifth Legislature adjourned sine die.

APPENDIX

Sent to Governor

(May 30, 1977)

S.C.R. 62	S.C.R. 90	S.C.R. 100	S.C.R. 101
S.C.R. 104	S.C.R. 109	S.C.R. 81	S.C.R. 99
S.C.R. 110	S.C.R. 111		
S.B. 39	S.B. 532	S.B. 835	S.B. 1207
S.B. 67	S.B. 559	S.B. 867	S.B. 1209
S.B. 72	S.B. 577	S.B. 911	S.B. 1223
S.B. 170	S.B. 641	S.B. 912	S.B. 1268
S.B. 365	S.B. 656	S.B. 915	S.B. 1279
S.B. 387	S.B. 672	S.B. 1046	S.B. 1282
S.B. 433	S.B. 676	S.B. 1062	S.B. 1302
S.B. 471	S.B. 701	S.B. 1070	S.B. 1303
S.B. 495	S.B. 750	S.B. 1091	S.B. 1304
S.B. 496	S.B. 801	S.B. 1161	S.B. 1325
S.B. 508	S.B. 810	S.B. 1173	S.B. 1052
S.B. 513	S.B. 812	S.B. 1182	S.B. 1211
S.B. 522	S.B. 833	S.B. 1184	S.B. 1214
S.B. 66	S.B. 368	S.B. 714	S.B. 1246
S.B. 101	S.B. 443	S.B. 746	S.B. 1248
S.B. 125	S.B. 517	S.B. 787	S.B. 1284
S.B. 151	S.B. 519	S.B. 815	S.B. 1296
S.B. 148	S.B. 569	S.B. 839	S.B. 1332
S.B. 183	S.B. 578	S.B. 857	S.B. 1275
S.B. 210	S.B. 620	S.B. 882	S.B. 850
S.B. 266	S.B. 638	S.B. 895	S.B. 576

(May 31, 1977)

S.C.R. 2	S.C.R. 29	S.C.R. 30	S.C.R. 85
S.C.R. 116	S.C.R. 117	S.C.R. 118	
S.B. 32	S.B. 182	S.B. 697	S.B. 1094
S.B. 54	S.B. 208	S.B. 737	S.B. 1208
S.B. 65	S.B. 222	S.B. 747	S.B. 1235
S.B. 91	S.B. 233	S.B. 758	S.B. 1250
S.B. 113	S.B. 311	S.B. 773	S.B. 1260
S.B. 133	S.B. 337	S.B. 866	S.B. 1289
S.B. 143	S.B. 366	S.B. 914	S.B. 1301
S.B. 146	S.B. 416	S.B. 945	S.B. 1306
S.B. 152	S.B. 479	S.B. 952	S.B. 1311

S.B.	157	S.B.	489	S.B.	957	S.B.	1319
S.B.	168	S.B.	612	S.B.	1025	S.B.	1327
S.B.	180	S.B.	684	S.B.	1045	S.B.	730
S.B.	970	S.B.	1226				

(June 6, 1977)

S.B. 440
S.B. 754
S.B. 788
S.B. 1323

SENT TO COMPTROLLER

(May 30, 1977)

S.B. 1323
S.B. 1275

(May 31, 1977)

S.B. 754
S.B. 788
S.B. 440

SENT TO SECRETARY OF STATE

(May 30, 1977)

S.J.R. 19

(May 31, 1977)

S.J.R. 50

In Memory**of****Governor Coke R. Stevenson**

Senator Aikin offered the following resolution:

(Senate Concurrent Resolution 116)

WHEREAS, "He exemplified those virtues of the people of the area: integrity, hard work, and a devotion to economy and efficiency in government. He leaves a record of distinguished public service that will serve as an example for future generations," so said Governor Dolph Briscoe in marking the death of former Governor Coke R. Stevenson on June 28, 1975; and

WHEREAS, Other officials spoke of the former governor's death at the age of 87 as "... a sorrow for all Texas," Speaker Bill Clayton; "... a great loss to all who had the privilege of working with him," Associate Supreme Court Justice Price Daniel, Sr.; and a man who was "... never willing to sacrifice a dot or a dash in the Constitution for a dollar sign on either his personal ledger or the ledger of the State of Texas," former Attorney General John Ben Shepperd; and

WHEREAS, Destined to become the state's highest official, with tenure in Texas public service lengthier than that of any of his predecessors in the governor's chair, Coke Robert Stevenson was born on March 20, 1888, in a log cabin in Mason County, just 35 miles from the beloved ranch in Kimble County near Junction which became his final resting place; and

WHEREAS, His parents moved to Kimble County when he was an infant, and that was home to Coke Stevenson until his death; with only two years of formal schooling, he taught himself bookkeeping and one of his earliest jobs was in the Junction bank, not as bookkeeper but as janitor; soon, however, he not only became bookkeeper but advanced to the position of president; and

WHEREAS, Never one to sit back and relax after accomplishing a self-directed goal, he next turned his thirst for learning to the study of law—again self-taught—and, at the age of 26, he was elected Kimble County Attorney; the year 1918 saw him elevated to the office of county judge; and

WHEREAS, He was elected to the Texas House of Representatives in 1928, where he served for 10 years; after serving one term as speaker, he became the first man in history to be reelected to the office; and

WHEREAS, His election as lieutenant governor followed, and he presided over the Texas Senate from 1938 until 1941, when he assumed the office of governor on the resignation of Governor W. Lee O'Daniel, who resigned to become United States Senator filling the vacancy left by the death of Senator Morris Sheppard; thus Governor Stevenson became the only person to hold all three high offices—speaker of the house, lieutenant governor, and governor; and

WHEREAS, In both the house of representatives and the senate, his legislative leadership received recognition statewide and nationally; his foresight gave Texas soil conservation laws and a greatly expanded highway system; he advocated and followed through the legislative process increased salaries for the state's teachers; he sponsored legislation to provide improvements in the care of the mentally ill; and, above all, he directed his statesmanship toward assuring for Texas a conservative fiscal policy; and

WHEREAS, During his seven-year tenure as governor, his dedication to sound and conservative fiscal management saw a \$35 million state treasury deficit he inherited at the beginning of his term become a \$35 million surplus when he retired to his ranch in 1947; and

WHEREAS, As governor during the period when America was engaged in World War II, he had conferences with President Franklin Delano Roosevelt in Texas and in Washington, and he was requested to serve with General George C. Marshall and Nelson Rockefeller on a mission to Mexico on matters relating to the policies and defense of our country. The Texas Good Neighbor Commission, fostering good relations between Texas and her neighbor to the south, was activated during this period and the commission's first office space was in the Office of the Governor; Governor Stevenson's leadership was also felt in conferences held with governors of other states on issues from rationing to defense; and

WHEREAS, A man who made history himself, Governor Stevenson had a consuming interest in history and historical preservation: as a state representative and speaker of the house he spearheaded the drive that made possible the first program in Texas whereby historical markers were erected to record permanently and interpret the many and varied facets of this state's unsurpassed heritage; it was decidedly appropriate that the Texas State Historical Survey Committee dedicated the "Coke Stevenson Official Texas Historical Marker" at Junction on March 19, 1967, the eve of his 79th birthday; and

WHEREAS, He loved and was devoted to his family: his first wife, the former Fay Wright, died in 1942, shortly after he became governor, and his son, Coke R. Stevenson, Jr., and his wife and two daughters lived with Governor Stevenson in the Mansion as the First Family of Texas; in 1954, the former governor was married to Mrs. Marguerite King Heap and, by this marriage, his daughter, Jane, was the pride of his later years; and

WHEREAS, From the age of reason, he was a devoted Christian; as the grandson of a Methodist minister he held on to the principles of his maker and prayer was a part of his life daily; and

WHEREAS, In all that Governor Stevenson was and did, he made excellence his life's symbol; even in his lodge work, he carried the banner of perfection and his brothers, in recognition, bestowed upon him their highest honor, the 33rd Degree in Masonry; and

WHEREAS, It is appropriate that the 65th Legislature of the State of Texas pay tribute to former Governor Coke R. Stevenson, a man whose teachings and actions made Texas a better place in which to live and whose unselfish leadership permit his posterity and generations of Texans yet unborn to enjoy love of liberty and a thorough knowledge of the rights of man; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 65th Legislature, by this resolution, honor the useful life and superior public service of former Governor Coke R. Stevenson, who, like the granite of his rugged Hill Country, stood for the philosophy of individualism, who lived with the highest ideals of public service, integrity and courage, who through his responsible leadership and dedication has left a tradition to be emulated by Texas officials today and in the years to come; and, be it further

RESOLVED, That official copies of this resolution be prepared as an expression of sympathy from the Texas Legislature for the members of his family: for his wife, Mrs. Marguerite Stevenson; his daughter, Mrs. Jane Stevenson Farmer; his son, Coke R. Stevenson, Jr., and his two granddaughters; and, be it further

RESOLVED, That when the two houses of the Texas Legislature adjourn this day, they do so in memory of Governor Coke R. Stevenson, a man who personified by his life the words of the poet, George Roe, whom he so often quoted:

"And though for honor and truth, we live,
And seeking knowledge, burn the midnight oil,
Though these be ours, they are not ours to give,
For each must earn them in the paths of toil."

The resolution was read and was adopted by a rising vote.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.
